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Identifier No. 2005-1943-9 MH

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

IN THE MATTER OF AN INFORMATION TO OBTAIN A PRODUCTION ORDER PURSUANT TO SECTION 487.012 OF THE *CRIMINAL CODE*

This is the Information of Corporal Kevin Paul DUGGAN, of the City of Calgary, in the Province of Alberta, a peace officer and a member of the Royal Canadian Mounted Police, hereafter referred to as the Informant, taken before me:

The Informant says that he has reasonable grounds to believe that [redacted] an official of the Canadian government has committed the following offence, namely:

1) On or between August 1, 2004 and October 1, 2006, being an official of the Government of Canada, did commit a breach of trust in connection with the duties of [redacted] office, by using [redacted] office for a purpose other than the public good, to lobby on behalf of a private company, thereby undermining the interests of Canada, contrary to Section 122 of the *Criminal Code*.

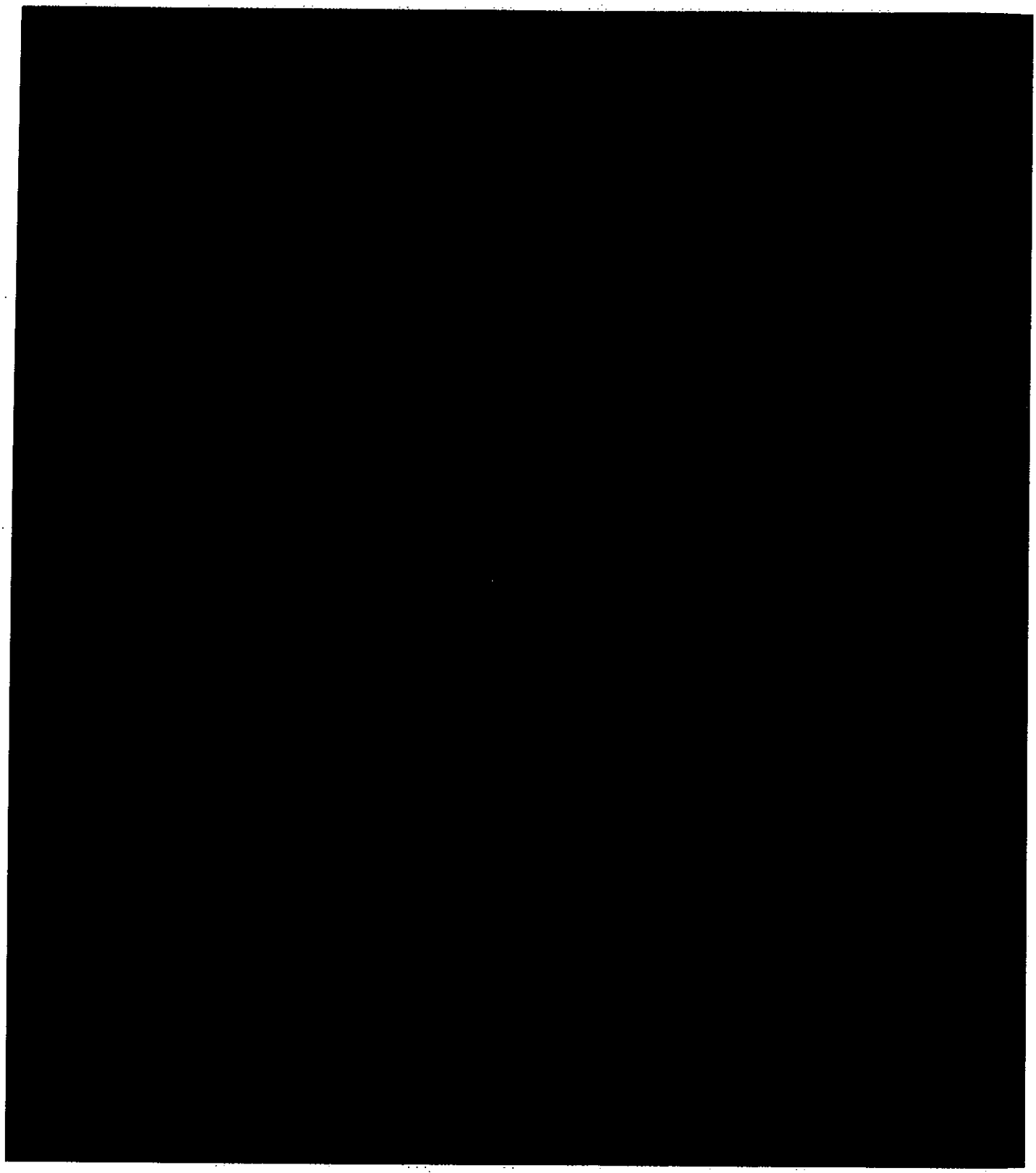
Hereafter "the offence".

And that there are reasonable grounds to believe the documents or data sought will afford evidence of the said offence. The following paragraphs describe the "documents or data" sought from the respective financial institutions, and identify those persons who are not under investigation for an offence against this Act or any other Act of Parliament in respect of these offences, and who have possession or control of the documents or data. If the proposed Production Orders are granted, these persons shall produce the documents or data sought to Corporal Kevin Paul DUGGAN or any other peace officer acting under his direction, at the following locations, within the time limits specified:

[redacted]

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[redacted]

Bank of Nova Scotia

Al GOODMAN of the Bank of Nova Scotia and all its subsidiaries located at 240 - 8th Avenue SW, Calgary, Alberta will produce the documents or data sought, at 240- 8th Avenue SW, Calgary, Alberta, within sixty (60) days of the service of the Production Order. The documents or data sought are described as:

Line of Credit Account [redacted]

a. **Certified copies of the Credit Application.**

b. **Certified copies of all monthly statements and/or account transaction history from August 1, 2004 until October 7, 2009.**

c. **Certified copies of the mortgage file.**

Scotiabank Value VISA Account [redacted]

d. **Certified copies of the application forms, names and contact information of any cardholders or authorized users, and monthly Statements from August 1, 2004 until October 7, 2009 for credit card numbe**[redacted]

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Scotia Chequing Account, number [redacted]

e. Certified copies of monthly statements and/or account transaction history from August 1, 2004 until October 7, 2009.

f. Certified copies of signature cards, account opening agreement, account authorizations, and related identification including a list of all persons that have or had authority to access the account, and all supporting documentation from August 1, 2004 until October 7, 2009.

g. Certified copies of all withdrawal/debit transactions and deposit/credit transactions from August 1, 2004 until October 7, 2009 inclusive, including a copy of the front and back of the transaction documents and the corresponding offset entries related to these transactions, if available, including but not limited to: wire transfer documentation, cheques, bank drafts, money orders, and certified cheques.

[redacted]

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[redacted]

I am requesting that the above proposed Production Orders be valid for sixty-seven (67) days from the date they are granted to allow time for service of the proposed Orders.

Introduction

1. I am a Peace Officer employed by the Royal Canadian Mounted Police (RCMP) currently attached to the International Anti-Corruption Unit of the Commercial Crime Section at Calgary, Alberta. As such I have personal knowledge of the matters hereafter deposed except where otherwise stated. Unless otherwise specifically stated, I believe the information set out in this Information to Obtain a Production Order is true whether stated to be based on information or my own personal knowledge.

2. I have been employed with the RCMP since June 1998. My current duties are to investigate offences under the *Corruption of Foreign Public Officials Act* and offences under the *Criminal Code*. I have attended training workshops and conferences which

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covered, amongst others, the following topics:

a. The identification of countries and industries with significant corruption;

b. Techniques frequently used by corporations to conceal acts of bribery, including the use of intermediaries (local agents) to pass on part of their commissions as bribes to foreign public officials;

c. Best practices used by responsible corporations to reduce their vulnerability to corruption.

3. The documents or data sought from the financial institutions named in this Information to Obtain a Production Order relate to an investigation involving [redacted], a [redacted].

4. According to the Government of Canada [redacted] website [redacted] was the [redacted]

5. This investigation has gathered evidence, as detailed below, that [redacted] travelled to [redacted] on ostensibly private visits, paid for by [redacted]., a Calgary based oil and gas development and production company. While in [redacted], it is alleged that [redacted] mproperly used [redacted] position as a [redacted] to gain access to and lobby senior [redacted] government officials on behalf of [redacted] for a purpose other than the public good.

6. In 2003, [redacted]. entered into a Joint Venture Agreement, through its subsidiary [redacted]., with the [redacted] to develop two gas fields in [redacted] This investigation has uncovered information that [redacted] used bribes to influence [redacted] public officials in order to secure the Joint Venture Agreement with state-owned [redacted] to influence an enquiry into a 2005 gas

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field explosion, and to influence [redacted] officials in the resolution of a dispute over a [redacted]. To date, the evidence collected suggests that the officers of [redacted] have failed to disclose to shareholders that bribes were used to secure advantages in the course of business.

7. The alleged Breach of Trust offence committed by [redacted] was discovered during the wider investigation of [redacted]., and others, for offences under the *Corruption of Foreign Public Officials Act*.

8. I have not included all the information gathered in the [redacted]" investigation, but I have included portions that I believe are relevant to the Breach of Trust investigation relating to [redacted], including information that would strengthen or undermine any witnesses or documents relied upon in this Information to Obtain.

9. The purpose of this Information to Obtain a Production Order is to obtain documents or data which will afford evidence of the said offence. The documents or data will be used to determine what financial benefits [redacted] received for [redacted] lobbying efforts on behalf of [redacted].

10. There have been no previous applications for a Section 487.012 *Criminal Code* Production Order during this investigation relating to the documents or data sought.

Summary of the Investigation

11. The investigation into [redacted] began after Canada's Department of Foreign Affairs and International Trade (DFAIT) alerted the RCMP to news stories concerning a possible violation of the *Corruption of Foreign Public Officials Act* by [redacted], according to a report prepared on June 21, 2005, by RCMP Superintendant Stephen FOSTER. Subsequently, a team of investigators from the

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Calgary Commercial Crime Section of the RCMP were assigned to investigate the allegations contained in the reports.

Sources of Information

12. This investigation has thus far had access to and relied upon information obtained from RCMP investigators, electronic databases, internet websites, media reports, witness statements, documentary evidence gathered in [redacted], information from [redacted] investigators, *Privacy Act* requests, FINTRAC Disclosures, and Production Orders.

 a. According to the [redacted] website, the [redacted] claims to be an "independent, self-governed and neutral entity" created by the [redacted] Amongst its duties, the [redacted] is responsible for conducting investigations into alleged offences related to corruption within [redacted] According to reports published by the anti-corruption watchdog organization "Transparency International", from 2001 to 2005, [redacted] was perceived as the [redacted] corrupt country in the world in which to do business.

13. This investigation has gathered evidence that [redacted] travelled to [redacted] on at least four occasions between August 2004 and July 2006, in connection with [redacted] Those four occasions are briefly described below:

 a. Ambassador [redacted] has advised that [redacted] attended [redacted] in August or September 2004 to lobby on behalf of [redacted].

 b. [redacted], the former President of [redacted], said that in October 2005, [redacted] was sent to [redacted] by [redacted] the CEO of [redacted]., and subsequently advised [redacted] to seek [redacted] resignation.

 c. Staff Sergeant Shane TUCKEY, the RCMP Liaison Officer for [redacted], was in [redacted] and saw [redacted] meeting with [redacted] in the lobby of the Radisson Hotel in April 2006. Canadian Ambassador, [redacted], who served as High Commissioner for Canada to [redacted], said she met with [redacted] when [redacted] was there in April 2006. [redacted] advised [redacted] that she alone represented the Canadian Government in [redacted], not [redacted] Contrary to her advice, [redacted] nevertheless met with [redacted] government officials and

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lobbied for [redacted]

d. In July 2006, [redacted] again travelled to [redacted] at [redacted] expense, this time, without notifying [redacted]. Shortly after [redacted] visit, [redacted] was able to resolve a long-standing dispute over gas prices with [redacted].

14. Amongst others, the following persons have taken part in the investigation detailed below and are referred to throughout this Information to Obtain a Production Order:

a. Sergeant Brent KRIWOKON (Sgt. KRIWOKON), a peace officer and member of the RCMP currently stationed with the International Anti-Corruption Unit in Calgary, Alberta.

b. Staff Sergeant George PROUSE (S/Sgt. PROUSE), a peace officer and member of the RCMP currently in charge of the International Anti-Corruption Unit in Calgary, Alberta.

c. Sergeant Sylvain ROUSSEL (Sgt. ROUSSEL), a peace officer and member of the RCMP currently stationed with the Commercial Crime Section in Calgary, Alberta.

d. Corporal Lloyd SCHOEPP (Cpl. SCHOEPP), a peace officer and member of the RCMP currently stationed with the International Anti-Corruption Unit in Calgary, Alberta.

e. Inspector Frank SMART (Insp. SMART), a peace officer and member of the RCMP currently in charge of the Commercial Crime Section in Calgary, Alberta.

f. Constable Terrie BATYCKI (Cst. BATYCKI), a peace officer and member of the RCMP

15. Amongst others, these individuals have assisted me in this investigation. As they have a legal and moral duty to accurately record their work and document information that may be pertinent to an investigation, I believe the information supplied by these individuals or any other officers referred to in this Information to Obtain a Production Order to be true. I have verified the accuracy of the information attributed to each individual with them.

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16. In addition to the information provided to me by the investigators, I have personally reviewed the source documents and evidence from which all other information referred to in this Information to Obtain a Production Order was obtained and can attest that it is accurately detailed in this document.

17. I have used information from copies of documents obtained in [redacted] under a Mutual Legal Assistance Request. In January 2008, Sgt. ROUSSEL and S/Sgt. PROUSE travelled to [redacted] and met with members of the [redacted]. In response to a Mutual Legal Assistance request, the [redacted] members collected documents under the authority of [redacted] laws, and provided copies of those documents to Sgt. ROUSSEL.

18. In October 2008, I travelled to [redacted] along with other investigators to obtain certified copies of the documents mentioned above, and additional documents requested under another Mutual Legal Assistance Request dated September 18, 2008. During that visit, I participated in the interviews of the following four witnesses whose statements are discussed later in this document:

a. [redacted], the Trade Officer at the Canadian High Commission (the equivalent of an Embassy in Commonwealth countries) in [redacted].

b. [redacted], the former Trade Officer at the Canadian High Commission in [redacted], and subsequent Commercial Manager of [redacted]

c. [redacted], a businessman, "lobbyist", and former owner of the company [redacted]. He helped secure the Framework of Understanding with [redacted] for [redacted] in [redacted].

d. [redacted], owner of the [redacted] of companies in [redacted], and friend and business partner of [redacted], the former son of the [redacted] Prime Minister, [redacted]. He is currently a serving prisoner in [redacted] following a conviction for weapons trafficking.

19. In January 2009, Insp. SMART and S/Sgt. PROUSE travelled to [redacted] and [redacted] to interview Ambassador [redacted]) and [redacted] Both Ambassadors previously served as the Head of Mission at Canada's High Commission in [redacted]. I have reviewed summaries of those interviews prepared by Insp. SMART and S/Sgt. PROUSE, and I have listened to the audio recordings of those interviews.

20. I have used information contained in [redacted] confession which he provided to a magistrate in [redacted] on January 15, [redacted]

21. I have used information regarding [redacted] and [redacted] obtained from DFAIT via an Access to Information Request under the *Privacy Act*.

22. I have gathered information from the Financial Transactions Reports Analysis Centre of Canada (FINTRAC). FINTRAC is a specialized agency which collects, analyzes, and discloses financial intelligence on suspected money laundering and terrorist financing. If FINTRAC has reason to suspect that money laundering or terrorist financing has occurred, they can provide law enforcement with a Disclosure of the relevant information and their analysis. A Disclosure can contain any suspicious transaction reports or large cash transaction reports filed by Canadian financial institutions, information on international electronic fund transfers, bank account numbers, and the names, address, and phone numbers of account holders.

23. I have obtained Production Orders to gather documents on [redacted] travel information from [redacted] and a travel agency, [redacted] I obtained a Production Order to acquire [redacted] Visa statements for credit cards held by [redacted] and [redacted] I have also used Production Orders to obtain information from [redacted] the Bank of Nova Scotia, and the [redacted] regarding the

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numbers and types of accounts held by [redacted] at the respective banks.

24. I have used the publicly available information about [redacted] contained in the "[redacted]

25. I have used information gathered during interviews of the former Chief Financial Officers of [redacted]

Reasonable Grounds to Believe

26. On October 16[redacted], a Joint Venture Agreement (JVA) was signed between [redacted]d. and [redacted]. According a copy of the JVA, obtained from the [redacted] by Sgt. ROUSSEL, the JVA granted permission for [redacted] to develop the [redacted] natural gas fields in [redacted] in partnership with [redacted].

27. On January 7, [redacted], an explosion occurred at the [redacted] well in the [redacted] Gas Field in north-eastern [redacted], according to the "[redacted]", seized from the office of the Prime Minister of [redacted]. The [redacted] was formed to "determine the causes of the fire and damages suffered and asked the committee to submit their report to Energy and Mineral Resources Division". [redacted] was the Minister responsible for the Energy and Mineral Resources Division.

28. On January 28[redacted], according to a report in the [redacted] newspaper [redacted]; a government committee formed to examine the causes of the [redacted] blamed "the faulty and negligent operation of Canadian company [redacted] the [redacted]". The Committee submitted their report to [redacted].

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reportedly indicated that "necessary steps will be taken after examining the report". The "[redacted]" corroborated the information in the news article. The report stated that "[redacted] is responsible for the [redacted] at [redacted] for its gross negligence in designing the [redacted] and inefficient operational supervision... The payment of compensation relating to loss of recoverable gas reserve and the damage in property & environment becomes the responsibility of [redacted] The Government may decide the method of realizing this compensation".

29. On May 23, 2005, a [redacted] purchased by [redacted] was delivered to the home of Energy Minister [redacted] in [redacted], according to a copy of a letter obtained by Sgt. ROUSSEL from the [redacted]. The letter, from the Chairman of [redacted] to the [redacted], was clarifying that in response to the Ministry's request; [redacted] was sending a [redacted] to the "honourable Minister of State for his regular use".

30. According to a copy of an [redacted] invoice obtained by Sgt. ROUSSEL from the [redacted], the cost of the [redacted] listed was 9,558,000.00 [redacted] In May [redacted] that would have been the equivalent of approximately $154,000 USD. [redacted], made its first payment on the [redacted] on February 24, [redacted], less than a month after the [redacted]" was submitted to [redacted], which placed the responsibility for the [redacted] and associated costs on [redacted].

31. I am informed by Sgt. ROUSSEL that he spoke with [redacted] of DMG World Media, the booking agent for the Calgary Go-Expo (Gas and Oil Exposition). [redacted] informed him that on May 30, 2005, [redacted], registered two

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guests at the Calgary, Alberta, Go-Expo set for June 7, 2005 to June 9, 2005. According to a fax sent by [redacted] to Sgt. ROUSSEL at his request, the two registered guests were [redacted] State Minister for Energy & Mineral Resources, [redacted], and [redacted] Energy & Mineral Resources, [redacted] The fax also listed the address on [redacted] application form as [redacted] I have attended that address and confirmed that it is the location for [redacted] Calgary offices.

32. On June 8, [redacted] checked into the Sheraton Eau Claire hotel in Calgary, Alberta, according to information obtained by Sgt. ROUSSEL from hotel Assistant Manager [redacted] on July 29, 2005. [redacted] provided the following details:

a. [redacted] checked out of the hotel on June 10, 2005. The hotel rooms were reserved by phone by a "[redacted]" who provided a contact phone number of [redacted] and an email address of [redacted]. [redacted]'s two night bill was for $694.04, while [redacted] bill was for $1010.11. The billing information showed that [redacted] had stayed at the hotel from June 8, 2005 to June 10, 2005.

b. [redacted], paid for [redacted] and [redacted] hotel bill with her personal CIBC Visa Credit Card.

33. On June 18, [redacted], according to a news report in the [redacted]", [redacted] was summoned to the Prime Minister's Office in [redacted] where he tendered his resignation. That report in the [redacted], also stated that the resignation came as a result of allegations that he accepted bribes from [redacted], including the [redacted] delivered to him on May 23, 2005. That report also alleged that [redacted] had delayed [redacted]'s payment of compensation for the [redacted].

34. On July 28, 2005, according to a copy of the minutes of their meeting, the Joint Management Committee, composed of representatives of [redacted] and [redacted], stated their positions regarding the [redacted] provided to Energy [redacted] on May 23, 2005. The copy of the minutes, obtained by Sgt. ROUSSEL from the [redacted], also showed that [redacted] did not consider the [redacted] purchase to be authorized under the JVA as it "was not procured for Petroleum Operations", and they asked [redacted]. to take the [redacted] back. [redacted]. agreed to take the [redacted] back, but wanted the costs associated to this [redacted] considered part of their investment under the JVA. The minutes noted that a consensus was not reached between the two sides on this issue.

35. The [redacted] press became increasingly critical of [redacted] following a [redacted] which occurred at the [redacted] gas field on June 24, 2[redacted] According to reports from the "Reuters News [redacted] and the "Calgary Herald" ([redacted] the [redacted] occurred during the drilling of a relief well to seal off the gas leak caused by the January [redacted]

36. On December 7, [redacted] according to the [redacted] newspaper "[redacted] article entitled [redacted], [redacted] was removed as president of [redacted]. for his apparent "failure" to run its operations. The report stated that [redacted]. denied [redacted] had been fired, but the position of President of [redacted]. had been dissolved and [redacted] was taking over as the head of operations in [redacted].

37. On March 7, [redacted], [redacted]. had unilaterally shut off the natural gas supply from its gas wells in [redacted]. According to a copy of the minutes of the

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Joint Management Committee meeting mentioned previously, this stemmed from the ongoing dispute over the absence of [redacted] between [redacted].

38. According to the [redacted] (2007), [redacted] and "[redacted] a signed [redacted] in December of 2006 with a price of US$1.75 per thousand cubic feet". Although the price had been agreed upon, the [redacted] conflict did not appear to be resolved. The Annual Information Form noted that [redacted] owed US$22.7 million to [redacted] subsidiary for gas delivered to [redacted] from the [redacted] field which remains unpaid" and in addition, [redacted] was not paying "for gas that is continuing to be delivered to it from the [redacted] field."

39. On [redacted], a caretaker government, headed by the former [redacted] governor, took control of [redacted] following the declaration of a state of emergency by the President of [redacted] the previous day. According to other information on the U.S. Department of State website, this state of emergency arose from a period of violent political unrest in [redacted]

40. On [redacted], according to the information on the U.S. Department of State website, the caretaker government arrested Prime Minister [redacted] on charges of extortion during [redacted] tenure as Prime Minister. The U.S. Department of State website also included information that the other former Prime Minister, [redacted] was arrested for [redacted] on [redacted]

41. On January 10, 2008, the [redacted] arrested [redacted] as part of their investigation into the [redacted] allegations. According to a copy of the translation of a "Form of Recording confessions or statements under section 164 of the Code of Criminal Procedure" [redacted], ["Form 164 Statement"] [redacted] gave a confession before a

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Magistrate in a [redacted] court on January 15, 2008. The confession form, a copy of which was provided to Sgt. KRIWOKON by [redacted] a forensic accountant working with the [redacted] showed that [redacted] had been held in police custody for four days before being brought before the Magistrate, and would "not be sent to Police custody anymore", whether he provided a confession or not (in fact, he was sent to "jail custody" following the statement). The document included several cautions to [redacted] that he was not "bound to make a confession", and was not obligated to say anything, but "that he should say nothing which is untrue". The Magistrate signed that he believed the confession was voluntary, in accordance Section 164 of the [redacted]. According to the translated document, [redacted] stated:

a. "Sometime in 2002", [redacted] asked him to attend [redacted] office, where he was introduced to [redacted] ". [redacted] told [redacted] that " [redacted] was trying to enter into agreements with the [redacted] Government, with [redacted] to explore gas from three gas fields." [redacted] said that "he had an understanding" with [redacted] on this matter. [redacted] then proposed to [redacted] that if " [redacted] gets the work for gas exploration, then they can give some sub contract to our organization such as Gas Pipe Line, Gas Station, etc." [redacted] agreed to his proposal.

b. [redacted] explained that [redacted] wanted [redacted] s assistance in achieving three objectives:

 i. To help [redacted] in the completion of a JVA for the [redacted] gas fields, and assistance with various Government approvals at different stages.

 ii. After commercial production of the [redacted] gas field, to help [redacted] get approval for a [redacted].

 iii. After commercial production of the [redacted] gas field, to help [redacted] get approval for a [redacted].

c. [redacted] and [redacted] requested [redacted] assistance in the completion of these three tasks. If the tasks were successfully completed [redacted] would give [redacted]

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[approximately $1,028,000.00 USD in] and an additional $240,000.00 USD in three stages. The first payment of would be made following the completion of the JVA. Once a was signed for the gas field, $240,000.00 would be paid in $10,000.00 installments for 24 months. Once the was signed for the gas field, another would be paid.

refers to (a unit of currency), which in October would be the equivalent of approximately $514,000.00 USD at the rate of per USD.

d. A week after this meeting in which he agreed to assist and went with to the house of the Energy Minister, explained the "full subject" to the Energy Minister, who agreed to help. Thereafter, would regularly contact the Energy Minister "on this subject and he used to say that the work was in the process".

e. In , the JVA was signed after negotiation between and . After the signing of the JVA, deposited into account at the Standard Chartered Bank "at different times". From that money, he gave a total of [*or approximately $308,000.00 USD*]: [*or approximately $137,000.00 USD*] by one pay order and at different times in different sums paid by cash cheque, [*or approximately $171,000.00 USD*].

f. He also stated "From the money deposited in my account, I paid the Ex-State Minster at different times in different amounts, total [*or approximately $102,000.00 USD*] in cash. The balance of [*or approximately $102,000.00 USD*] I kept for my work". He also mentioned that told him that "he is keeping the majority portion of the taka because is also with him".

As a result of this investigation, I have learned that was the son of the Prime Minister of when the JVA was signed. As reported in the press, nickname in was , due to "his notorious corruption ring that held a stake in most government and private contracts".

g. [redacted] explained that at the end of May 2005, when [redacted] "was going on a trip to Canada at the invitation of the Canadian Energy Minister, he requested me to come with him. I was then supposed to go to New York. I went to Canada with him but not as a Government representative. I only participated in the gas exhibition at Calgary and a dinner hosted by [redacted]. I stayed at the Sheraton Hotel in Calgary and my bills at the hotel were paid by [redacted] because I assisted them in [redacted]."

h. In [redacted] 2005, [redacted] resigned as Energy Minister. As the GPSA for the [redacted] gas fields had not been signed, [redacted] refused to give the rest of the promised amount of $240,000.00 USD and 3 [redacted], so the only amount paid was the initial [redacted] [*approximately $514,000.00 USD*].

42. On July 28, 2009, Cpl. SCHOEPP and I met [redacted] in Montreal, Quebec. The purpose of that meeting had been to try and recrui[redacted] as an informant. The recruitment was unsuccessful, as the only information [redacted] could provide was information he acquired as a material witness. During that meeting, [redacted] provided Cpl. SCHOEPP an English copy of a court filing made in [redacted] in which [redacted] alleged that he had been tortured to produce the information found in his "Form 164" confession. In his conversation with us, and in the court document, he did not describe how he was abnormally mistreated (he particularly objected to being handcuffed) but simply stated he was subjected to "mental & physical torture".

43. [redacted] went on to confirm the accuracy of most of the information he provided the [redacted] investigators in his "Form 164", although he now stated that the money given to [redacted] was a series of loans between friends, and had no bearing on [redacted]s decision to award the JVA to [redacted] He also explained that any money he deposited in the bank account of [redacted] was simply a return on an investment in the [redacted] movie business, and was unrelated to [redacted]s bid to win the JVA.

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44. Appreciating the seriousness of [redacted] allegations, I nevertheless believe, based on the totality of corroborating evidence collected during this investigation, that the information provided by [redacted] in the "Form 164" was accurate. Corroborating evidence can be found in the witness statements hereafter described (in particular [redacted] and [redacted]), and the observations by professional diplomats that [redacted] was rife with corruption, and tha[redacted] longtime friend, [redacted], was heavily involved in corruption. Furthermore, S/SGT PROUSE has spoken to the investigators who dealt with [redacted] in [redacted] about their interactions with [redacted] prior to his Form 164 statement. Based on the investigators' statements as relayed to me by S/SGT PROUSE, I am satisfied that no torture of any kind was in fact inflicted on [redacted].

[redacted] Interview

45. On May 20, 2008, [redacted] was interviewed in [redacted], Texas, by Sgt. KRIWOKON and Cpl. SCHOEPP. According to my review of the transcript and video recording of the interview, [redacted] refused to provide a statement until he received assurances from Sgt. KRIWOKON and Cpl. SCHOEPP that the RCMP would not provide a transcript of his statement to the [redacted] authorities, as he feared that persons in custody in [redacted] would be tortured as a result. [redacted] was also informed by Sgt. KRIWOKON that the RCMP was treating [redacted] solely as a witness.

46. In his statement, [redacted] said that:

a. He is a United States Citizen, and is now the Chairman and CEO of [redacted]

b. From 2003 to 2005, [redacted] was the President of [redacted] and he reported to [redacted] and [redacted] Prior to that he worked as the Managing Director [redacted] During his tenure at [redacted], he had contracts with [redacted] to arrange an agreement with

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[redacted] to develop gas fields in [redacted].

c. [redacted]. helped [redacted]. get the Framework of Understanding, and subsequent JVA signed. As compensation, [redacted]. gave [redacted]. 10% equity in the [redacted] project.

d. In 2003, when the JVA was getting signed, [redacted] told [redacted] that he had to join [redacted]., so [redacted] left [redacted]. When he joined as President of [redacted]s operations in [redacted], he reported to [redacted] and [redacted] in Canada. [redacted] and [redacted] had to give their approval for any "material" decisions.

e. [redacted] was registered in the Barbados. [redacted] s job was to get the approvals for the project and ensure all the "legal formalities" were in place. He was not involved in the day to day operations of [redacted]

f. According to [redacted], [redacted], hired [redacted] through his company to gain access to [redacted] described as a "super-lobbyist". "Any projects under the [redacted] government, he [redacted] has the ability to stop it". "He has the political clout to go to the Prime Minister and say don't sign this thing". "The Minister [redacted] told me the same thing". "This was a fee that was paid to them... so whenever we needed to go see the Minister, it was not an issue". [redacted] paid an estimated [redacted] would be about four, five hundred thousand dollars" to [redacted], via [redacted].

g. Under a previous contract between [redacted] and [redacted], the estimated $500,000 "lobbyist fee" paid to [redacted] came from the [redacted] bank account. [redacted] and [redacted] set up their arrangement to insulate [redacted] from paying any "fees for commissions and stuff like that in [redacted]". "When the time came to make the payment, when the, when the JVA was signed, we had to make [redacted] make the payment, he was our agent."

h. [redacted] said the he "did not see any legal problem in paying a lobbyist, a businessman, to ensure that this project would not come under attack".

i. After the JVA was signed, [redacted] a Canadian High Commission employee, approached [redacted] for a $50,000 payment for the work he

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had done on [redacted] behalf. [redacted] hired [redacted] as the [redacted] commercial manager, which he described as "a huge mistake".

j. According to [redacted], in October [redacted], in the aftermath of the two gas field [redacted] in 2[redacted], [redacted] sent an [redacted] named [redacted] from Canada, who was very friendly with [redacted] because he knew [redacted] from the Canadian High Commission. [redacted] "brainwashed" [redacted] and convinced him that [redacted] was incompetent. [redacted] told [redacted] that he needed to leave [redacted].

k. [redacted] returned to Calgary and told [redacted] to get rid of [redacted]. [redacted] told [redacted] that [redacted]e thought he needed to resign, to which [redacted] agreed.

47. On June 25, 2008, Sgt. KRIWOKON received copies of numerous documents related to the [redacted] investigation from [redacted]. One of those documents showed that [redacted] sent $3,528.45 to [redacted] employee.

Fintrac – [redacted]

48. On October 8, 2009, Fintrac Disclosure DC#0002480 was received. That disclosure did not show any transactions related to [redacted]., but it did provide information on an electronic funds transfer to the "China Natl Minerals Import Export", which Fintrac described as a Chinese government owned enterprise. The $8582.72 USD was wired on January 11, 2005 from a Bank of Nova Scotia account (number 200160690937) in the name of [redacted]

Interviews in [redacted]

49. As mentioned previously in this document, I was in [redacted] along with S/Sgt. PROUSE, Sgt. KRIWOKON, and Cpl. SCHOEPP, from October 17, 2008 until November 2, 2008. During that time, four witnesses were interviewed and 24 Appendices of documents were provided by the Attorney-General of [redacted] under the Mutual Legal Assistance Request dated September 18, 2008. The details of the interviews and documents gathered are hereafter described.

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50. On October 21, [redacted] Sgt. KRIWOKON and I attended the Canadian High Commission in [redacted] and interviewed [redacted] the [redacted] I have reviewed the recording and the transcript of that interview. The following is a summary of the information obtained in that interview:

a. [redacted] joined the High Commission in [redacted] and was not involved with [redacted] and the JVA. [redacted] was the [redacted] during that period.

b. As the [redacted], he promotes Canadian business in [redacted]. He provides information to Canadian companies on how to do business in [redacted] n the government or private sectors.

c [redacted] confirmed the accuracy of the information he wrote in an email on October 16 [redacted] (see paragraph 71 below), but he said the information on Canadian [redacted] meeting with [redacted] government officials over the [redacted] case was not based on personal observations, but was gathered from third parties.

d. [redacted] confirmed that he had met Canadian [redacted] in [redacted]. To his knowledge, no other [redacted] have come to [redacted] to meet with [redacted] government officials.

51. On October 23, 2008, I interviewed [redacted] along with Sgt. KRIWOKON. I have reviewed the recording and transcript of that interview. The following is a summary of the information obtained in that interview:

a. [redacted] was the [redacted] n in [redacted] from June/July [redacted] until January [redacted]. In January [redacted], he joined [redacted] as the Commercial Manager, and left in July [redacted] at the request of [redacted]. He now works as the General Manager [redacted] Club, the lounge of the [redacted] Embassy.

b. When [redacted] joined the High Commission, [redacted] was just one of several files that were not yet completed (such as [redacted] and he was told by the High Commissioner that part of his job was to help these companies get their projects approved. He sat in on

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meetings between [redacted] represented by [redacted] and [redacted], and the High Commissioner.

c. In [redacted], under the [redacted] government, the [redacted] agreement was agreed to "in principle" but not signed. [redacted] wanted to hold off while the [redacted] government was in place as the issue would be too "politicized", until the new government took over from the [redacted] in [redacted] days. Once the new [redacted] government was in power, [redacted] resumed its pursuit of the JVA.

d. As the Canadian High Commission local representative, [redacted] accompanied [redacted], and "the [redacted] to meetings with [redacted] the "mother" organization of the oil and gas industry in [redacted], then another organization under [redacted], and the Energy Ministry.

e. [redacted] was responsible for setting up high level meetings for each of the companies (with the Energy Minister, Finance Minister, Trade Minister, Board of Investment). After Canadian [redacted] returned from a trip to [redacted] in [redacted], he wrote letters encouraging [redacted] to support [redacted] bid for the JVA, because at that time Canada gave duty-free access to [redacted]

f. In October 2003, the JVA was signed, they "took three-four months to start implementation of the project". Then [redacted] suggested to [redacted] hat they hire him, but they told him to first get clearance from the Canadian High Commissioner [redacted] gave three months notice and joined [redacted] as the Commercial Manager. Once he was hired, whenever there was a letter to be delivered, or a negotiation, he would attend the same government offices, but this time as [redacted] representative, to try and expedite things.

g. [redacted] stated that he participated in the delivery of the [redacted] to [redacted]: "I at the instruction of my management, I was responsible of delivering the [redacted] to the ex, at that time, the Minister, but in the name of government of [redacted], its not a personal property that I will take home. The [redacted] was named for the government... I picked up the [redacted] from the vendor, uh, from the store, ah, [redacted], to give to the Ministry, and gave it to them, and together I think that he has the received it". [redacted] was at [redacted] house, as was the [redacted]

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h. In the summer of 2005, following the [redacted] was ordered by [redacted] to accompany the [redacted] accountant [redacted] in making two cash payments of 300,000 to 500,000 [redacted] to the head of the Production Sharing Contracts a[redacted]. The first payment was made to Engineer [redacted] at his house in the [redacted]. The second payment was at the [redacted] office [redacted] is the department which sells off government land to the public. [redacted] is currently the chairman of [redacted].

i. [redacted] vehemently denied that he asked [redacted] for $50,000 following the signing of the JVA, although he does admit asking him for a job with [redacted] which he subsequently received.

j. [redacted] confirmed that [redacted] attended in October 2005 on a personal visit. He does not know if anyone sent [redacted], or whom [redacted] met.

k. [redacted] has no knowledge of any other bribes given to [redacted] officials by [redacted] employees or agents.

52. While the other RCMP investigators and I were in [redacted], we requested that the [redacted] investigators locate S[redacted], the [redacted] accountant, to obtain a statement from him corroborating [redacted] information regarding the payment to the [redacted] official. Based on the information we received from [redacted], it appeared that [redacted] had temporarily relocated to India and would be unavailable for questioning.

53. October 25, 2008, I participated in Cpl. SCHOEPP's interview of [redacted]. I have listened to the recording of that interview, and reviewed a summary prepared by Cpl. SCHOEPP. The following is my summary of the information obtained in that interview:

a. [redacted] has worked in the oil/gas industry for over 30 years. [redacted] first met [redacted] through his work in the oil industry when [redacted] was a manager with [redacted] and was posted in [redacted] as a country manager. [redacted] company but he has since retired and acts as an advisor to [redacted]. He said that the rate of corruption is so high that it is not worth doing

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business in [redacted] anymore.

b. When the government was in second round bidding on the Production Sharing Contract [redacted], [redacted] approached [redacted] to assist with the second round bidding. [redacted] was not qualified to bid. [redacted] stated that at this time, unbeknownst to him, [redacted] did not have the money to finance the venture even if it was approved.

c. [redacted] wanted [redacted] to bribe Prime Minister [redacted]. If he could get the contract done through the government, [redacted] would pay [redacted] "one million dollar, two million dollar" and up to five million dollars from [redacted]. [redacted] failed to complete the contract and [redacted] told him he was not capable of doing it. [redacted] wanted him to involve the [redacted] East gas field. [redacted] advised that he disliked the deal. This agreement was not written into the contract.

d. [redacted] was unable to make further progress with the proposal so [redacted] removed him as the agent and an agreement was made for him to be paid when a deal was signed. [redacted] submitted a bill for $116,000 however he was paid $35,000 for receipts submitted for work/travel completed and would receive an additional $70,000 upon signing of the contract. When the final contract was signed [redacted] was not paid the final installment of $70,000.

e. [redacted] worked behind the scenes against the project after he was removed as [redacted]'s agent. He believed that this resulted in delaying the approval of the JVA until 2003.

f. [redacted] advised that the project, as finalized, was changed from the original scope. [redacted] was not included in the initial deal and somehow [redacted] had been able to ensure it was included in the JVA. [redacted] had access to the documents in relation to the data processing of the fields and he was aware of the potential of the fields.

g. [redacted] was running the country operations in [redacted]

h. [redacted] did not do seismic or did not do it properly before drilling which in [redacted] experience, may have contributed to the [redacted]

54. On November 1, 2008 at 19:33 hours I interviewed [redacted] along with Cpl. SCHOEPP. Also present from the [redacted] investigative team were [redacted]. I have

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reviewed the recording and transcript of that interview. The following is a summary of the information obtained in that interview:

a. His full name is Md. [redacted] born [redacted] He is currently serving a prison sentence [redacted] for weapons trafficking.

b. He first met [redacted] in his friend's office in 2002 ([redacted]. [redacted] explained the proposal to [redacted] regarding the exploration of abandoned gas [redacted] thought the JVA was a good deal for [redacted] because the [redacted] government would not lose any money if nothing was found. In early 2002, [redacted] offered him $1 million if he helped ensure the success of the JVA. For three to four years [redacted] gave him a retainer of $5,000 or $10,000.

c. [redacted] approached Energy Minister [redacted] who agreed to push the project, but [redacted] failed in the bid. So [redacted] withdrew from the project. [redacted] was unable to get the [redacted] project completed. [redacted] heard from [redacted] that the ex-finance minister [redacted] thought the [redacted] project should go to public tender. So, he judged the project a waste of time and abandoned his efforts.

d. After 4 to 5 months, [redacted] friend [redacted] told him that [redacted] had come to him ([redacted]), and asked if he [redacted] could take it over since [redacted] had abandoned the project. If the project happened smoothly, then [redacted] agreed to "share something" with [redacted]. [redacted] and [redacted] were also very close, so that bid looked more promising.

e. After the project went through, [redacted] asked for his cut of the "percentage". As [redacted] and [redacted] lend money to each other, [redacted] told him that he would write off a previous loan he had given him, and that would count towards the [redacted] "percentage". [redacted] also remembers receiving [redacted] but he is aware that [redacted] had said he was paid [redacted], but [redacted] is unsure of the amount.

f. [redacted] did no[redacted] any money because the project was at a premature stage. If this project was completed with [redacted] assistance, "obviously I must pay something to [redacted]". He would only pay if [redacted] won the contract. [redacted] estimated he would probably have to pay a quarter to half of his

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million dollar "fee" to the [redacted] if the project was successful.

g. [redacted] said "My power is 50% I am the friend [redacted] .. because ah, I am the friend of [redacted]. If you can give money to someone else to help get a project approved, you can give money to him. [redacted] said he is an experienced businessman which also gives him an advantage.

h. [redacted] talked to [redacted] about [redacted] but not [redacted] On the [redacted] case, there was no influence fr[redacted] [redacted] on [redacted] and [redacted] to get it approved. The project was approved solely through [redacted] and AKM [redacted]

i. On a different project, a Chinese power company paid $720,000 to [redacted] and his partner [redacted] for helping them win a contract with the [redacted] government.

j. [redacted] explained that the purchase committee of the government has the power to approve or block projects, not the individual Minister. The Finance Minister is the head of the purchasing committee. The Law Minister just vets the contract.

55. On November 2, 2008 at 11:53 hours, the interview resumed with myself, Cpl. DUGGAN, Cpl. SCHOEPP, [redacted] but was absent for most of the interview). I have reviewed the recording and transcript of that interview. The following is a summary of the information obtained in that interview:

a. In front o[redacted] told [redacted] that if "you make this business, can you give us something?" and [redacted] said yes.

b. [redacted] said that had he been successful in obtaining the contract for [redacted], he would of course bribe the Energy Minister. "If I done this project, obviously..., after completion of the project, because he's a politician, so I need, obviously, I, I pay something to him maybe in cash, in kind, or election purpose, whatever".

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Documents Obtained By [redacted]

56. On November 1, [redacted] the Attorney-General for [redacted] officially released documents obtained through the [redacted] prepared by Sgt. KRIWOKON. The documents were gathered under [redacted] law by investigators working under the authority of the [redacted] reported.

57. I have noted that the documents obtained under the [redacted] generally relate to one of the following topics: [redacted]; [redacted]; [redacted]; [redacted]; and, [redacted] issue.

58. I have prepared the following summary of some of the materials obtained from [redacted], organized by topic.

a. [redacted]: Monthly statements and transaction records for bank accounts at the [redacted], monthly statements and transaction records for bank accounts at the [redacted], monthly statements and transaction records for bank accounts at the First Caribbean International Bank in Barbados, correspondence between [redacted] and [redacted], auditors reports, accounting records including the July [redacted] General Ledger and the April [redacted] Fixed Assets Register, Agency Agreement with [redacted], documents pertaining to the [redacted] and the subsequent insurance issues, documentation in relation to the FOU/JVA, and the Joint Venture Agreement itself.

b. [redacted]: Monthly statements for bank accounts at the [redacted], monthly statements for accounts held at Nat West Bank in the United Kingdom, and credit card statements for a Citibank credit card held in the names of "[redacted]" and "[redacted]"

c. [redacted] Photocopies of his [redacted] passport; monthly statements and transaction records for bank accounts at the [redacted], monthly statements for bank accounts at the [redacted], monthly statements and transaction records for bank accounts at HSBC in [redacted], transaction records from City Bank, and a contract between [redacted] company [redacted], and a Calgary-based company named [redacted]

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d. [redacted]: Monthly statements and transaction records for bank accounts at the [redacted], monthly statements and transaction records for bank accounts at the [redacted], monthly statements and transaction records for bank accounts at the Union Bancaire Privee in Switzerland, documents and banking records of UNIQA, correspondence between [redacted] and the [redacted], personal notes, a consultancy agreement between [redacted] and [redacted], a "Special Power of Attorney" document between [redacted] and [redacted]., documents pertaining [redacted] purchase of property in Dubai.

e. [redacted] Issue: Documents pertaining to the provision of the [redacted] to State Minister for Energy [redacted], including banking records showing the payment of funds for the [redacted]

59. Most of the documents described above were certified copies of those documents obtained by S/Sgt. PROUSE and Sgt. ROUSSEL in January 2008. Other documents yielded additional information in support of the alleged offences, as described below:

a. A Payment Order issued from the [redacted] Bank account of [redacted] of [redacted] showed that on November 29, 2003, [redacted] of [redacted] a paid 10,754,300.00 [redacted] to [redacted]. This investigation has not uncovered any further information on [redacted]

b. An account statement for [redacted] bank account showed that on January 7, 2004, [redacted], withdrew, via a payment order, 10,800,000.00 [redacted] bank statement showed a deposit for the same amount with the same order number on January 8, 2004.

Privacy Act Disclosure

60. On November 4, 2008, the results of an Access to Information request under the *Privacy Act* were received from DFAIT. The request had been submitted by Inspector SMART on June 16, 2008. I have reviewed that *Privacy Act* Disclosure, and a summary prepared by S/Sgt PROUSE.

61. On November 27, 2008, the RCMP received a letter from the DFAIT Legal Services

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Unit advising that the information disclosed under the *Privacy Act* would still be subject to the provisions of Section 38 of the *Canada Evidence Act*, which prohibits the release of information which may be potentially injurious to Canada's interests. Accordingly, I have generalized some of the information contained in the *Privacy Act* Disclosure which I believe could potentially injure Canada's international relations if disclosed to the public. The following section contains some of the information from that *Privacy Act* Disclosure, which I believe to be relevant to the current investigation.

62. On January 14, [redacted] of DFAIT sent an email to the Acting Head of Mission in [redacted]. In that message, [redacted] reminded [redacted] that "Canada does not speak for nor represent[redacted]". The message concluded with questions about the extent of the damage caused by the [redacted], and a query whether the fields were [redacted].

63. On June 15, [redacted], Head of Mission (HOM) [redacted] sent an email to DFAIT reporting that in an effort to obtain more facts, he had arranged a meeting with [redacted]. He described [redacted] as the head of the local [redacted] office. [redacted] dismissed the gift of the [redacted] as just part of doing business in [redacted] told him that [redacted] pressured [redacted] to provide the [redacted] told [redacted] this may have been in violation of Canadian laws. [redacted] acknowledged that [redacted] erred in providing the gift.

> "To obtain more facts, I asked Mr [redacted], head of the local [redacted] office here, to meet with me yesterday to explain. [redacted] began by dismissing the gift as commonplace part of doing business in [redacted] and then went on to assert that [redacted] had pressured [redacted] into providing the [redacted] to the Minister... [redacted] then acknowledged that [redacted] had erred in making the gift and offered that its ill considered initial public statements on the issue had exacerbated the situation."

64. On June 16, [redacted] sent an email to DFAIT reporting on press clippings in the [redacted] media. He commented on the press speculation that the [redacted] was a personal gift to [redacted]. He mentioned that [redacted]

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[redacted] was not available for comment as he was currently on a [redacted] financed trip the Canada and the USA.

"The press has speculated that this was a personal gift to obtain favourable treatment on the price of gas to be paid by the government for supplies being produced by [redacted] at its [redacted] field and for lenient treatment [redacted] in respect of compensation for damages caused last January at the [redacted] gas field in [redacted]. [redacted], for his part, was unavailable for comment as he is currently on a [redacted] financed business trip to Canada and the USA."

65. On [redacted], [redacted] of DFAIT sent an email to, amongst others, [redacted], containing a story by [redacted] of the [redacted]. [redacted] reported that [redacted] gave the [redacted] to [redacted] and that [redacted] stated the [redacted] came through [redacted] and had nothing to do with [redacted].

[redacted]

66. On July 12, [redacted], [redacted] sent an email to DFAIT reporting that [redacted] met with him [redacted] and [redacted] to discuss the [redacted]. [redacted] explained the [redacted] position on the [redacted] and what actions the company has taken. [redacted] explained to [redacted] that the [redacted] scandal risked undermining his credibility with the Government of [redacted]. [redacted] was apologetic and agreed this was unfortunate.

"The HOM commented that the recen[redacted] scandal risked undermining his credibility when arguing with the government on the importance of transparency and fairness vis a vis projects being bid on by Canadian companies. [redacted]y was apologetic and agreed this was unfortunate. HOM advised that the High Commission would continue at this stage to take a low profile and avoid public comment. [redacted] agreed that this was the best approach."

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67. On August 10, [redacted], [redacted] sent an email to several recipients, including Inspector Saleh MAGDI, the RCMP Senior Liaison Officer to Foreign Affairs Canada, and [redacted]. That email contained excerpts of news reports about the delivery of the [redacted] to [redacted] by [redacted]. In that email, [redacted] also noted that

> "some media coverage suggests - if reliable – that there could have been a violation of Canada's Corruption of Foreign Public Officials Act. If so, we might expect to be asked about what has been done by Canada in response to the allegations against [redacted]..."

68. In a letter dated [redacted], [redacted] wrote to Prime Minister Paul MARTIN, requesting a meeting so he can present [redacted]'s case to him prior to Prime Minister MARTIN's upcoming meeting with [redacted]. The letter also stated that [redacted] was the [redacted] Canadian investor in [redacted].

a. "[redacted] is one of the largest Canadian investors in [redacted] In [redacted] is the [redacted] single investor by a Canadian company. [redacted] has spent $105 million in [redacted] and expects to spend in excess of $200 million over the next five years"

b. "We were the first foreign company to produce oil and gas in [redacted] and remain the only producing Canadian company operating in [redacted] today".

c. "We believe investors such as [redacted] are a critical part of Canada's relationship with [redacted] and request that this be communicated to the Government of [redacted] at the appropriate level".

d. "I would greatly appreciate the opportunity to meet with you to discuss this further or provide any further background information you may require prior to your meeting with [redacted]."

e. "We believe that [redacted] has been unfairly targeted by the political forces in [redacted] and seek immediate support of the Government of Canada in addressing this issue".

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[redacted] – October [redacted] visit

69. The following section contains information from the DFAIT *Privacy Act* Disclosure regarding the visit of [redacted] to [redacted] in October [redacted] According to information provided by the [redacted] used [redacted] Special Passport to enter [redacted] on October 7 [redacted] and he departed on October 10 [redacted] did not return to [redacted] until April [redacted] According to the Passport Canada website, Special Passports are issued to persons holding office, such as members of Parliament, Senators, members of provincial cabinets, and to persons employed by the Government of Canada in a non-diplomatic capacity traveling on an official mission or to a post abroad.

70. On October 4, [redacted], sent an email to DFAIT advising that [redacted] would be traveling to [redacted] on a private trip. The notification to DFAIT made no mention of [redacted]

> "Please be advised that [redacted] will be travelling to [redacted] tomorrow – this is a private trip. [redacted] just wanted us to be aware that [redacted] will be in the region and will not require any support on this trip."

71. On October 16 [redacted], [redacted] sent an email to DFAIT reporting that [redacted], during the "private trip" mentioned above, met with the Foreign Minister, the Energy Advisor, and a series of other high government officials in [redacted] it was agreed there would be a "high level" delegation from Canada in December [redacted] to help repair some of the damage done to [redacted].

> [redacted] met the FM, the Energy Adviser and a series of other high government officials in [redacted]. During these meetings, they discussed tackling the government bureaucratic moves against [redacted] They have assured help to [redacted]. They advised [redacted] to prepare a public relations strategy after the successful completion of "the relief well. It was also agreed that there will be a high level delegation from Canada in December [redacted] to help repair some of the damage done to [redacted]."

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72. On October 19[redacted], [redacted] sent an email to [redacted] of the Ministry of Foreign Affairs (MINA) stating that [redacted] was traveling to [redacted] again on private business. A follow-up message indicated this trip has been postponed.

a. "Hi [redacted]. [redacted] is off once again to [redacted] on private business. [redacted] just likes the Minister to be aware. [redacted] will be in [redacted] from Friday October 21 until Monday October 24. [redacted] contact information is available through [redacted]

b. "Apparently [redacted] have the right to change their mind. [redacted]s trip to [redacted] has been postponed. Sorry to have filled up your inbox unnecessarily!"

73. On October 24[redacted], [redacted] sent an email to [redacted] of DFAIT advising her that Acting Head of Mission [redacted] became aware of [redacted]'s travel to [redacted] in October 2005 through [redacted] own contacts. It appeared that [redacted] did not notify the [redacted] of [redacted] travel plans and did not contact the Mission during [redacted] most recent trip to [redacted]. [redacted] travel was verified by the Mission through [redacted]

"Regarding the information on [redacted] visit; [redacted]e got the news from [redacted] own contact that we verified from [redacted]. We had no contact with the [redacted] during [redacted] recent visit."

74. On December [redacted] of DFAIT sent an email commenting on a number of issues surrounding [redacted], including the recent visit of a Canadian [redacted] The email requested [redacted] views on the visit and whether there was any role HQ can play in discouraging any future visits.

"After being alerted to a recent visit of a Canadian [redacted], the post asked for RAS [political side of Foreign Affairs in Ottawa] and WOA's [the trade desk in Ottawa] assistance in finding out more information. After unsuccessful attempts, we were informed by a third-party of several high-level meetings that took place. - Seek [redacted]s views on the situation and what, if any, role HQ should play in advance of (or to discourage) any future visits."

75. On February 12, [redacted], [redacted] sent an email to [redacted] of

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DFAIT's Legal Affairs bureau (JLAA) advising him that [redacted] was in [redacted] that week.

"[redacted]s in [redacted] this week attempting to pressure the government to resolve the impasse related to [redacted]'s commercial agreement with [redacted] and the government regarding payment for gas and other financial issues related to the pending court case brought by the [redacted] following the [redacted]. [redacted] is running short on patience in waiting for the government to agree to a deal and allow them to proceed with their exploration and plans. They intend to advise the Energy Ministry that unless they are able to resolve issues by month's end, it is their intention to pull their equipment out as costs to sit idle are untenable."

76. On April 6, [redacted] and April 7, [redacted], Advisor to the Prime Minister of [redacted] visited Canada and during a dinner, met with several Canadian officials and attended a dinner attended by [redacted], according to an email sent from [redacted] of DFAIT to [redacted].

"[redacted] two-day programme also included bilateral meetings with CIDA VP Hau-Sing Tse and [redacted]; a dinner hosted by [redacted]); and a lunch with Parliamentarians."

[redacted] –April [redacted] Visit

77. The following section contains information from the DFAIT *Privacy Act* Disclosure regarding the visit of [redacted] to [redacted] in April 2[redacted]. According to information provided by the [redacted] used [redacted] Special Passport to enter [redacted] on April 16, 2[redacted], and he departed on April 21, [redacted]. He did not return to [redacted] until July [redacted]. According to the [redacted] has not been to [redacted] since the [redacted] government was removed from power and the military government began its campaign against corruption.

a. On [redacted], 2009, Cpl. SCHOEPP discovered a speech on [redacted] website that showed [redacted] possibly returned to [redacted] near the end of the military caretaker government's tenure.

b. I reviewed a copy of a speech on the [redacted]s website dated [redacted],

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[redacted]. From the text of the speech it appears that the [redacted] delivered the speech in [redacted].

78. On April 13, [redacted] of DFAIT sent an email to [redacted] informing her that [redacted] office had notified DFAIT of [redacted] pending travel to [redacted]. [redacted] reported that DFAIT was advised by the [redacted] office that the trip was private and for the purpose of supporting [redacted]. [redacted] was confident [redacted] was abiding by the [redacted] and would travel despite DFAIT's advice to the contrary.

> "The [redacted] informed us yesterday that [redacted] is planning to visit [redacted] this week. In a subsequent conversation with NRAD, [redacted] stated that [redacted] would be going to [redacted] in a private capacity and that the purpose of [redacted] visit was to support [redacted], as [redacted] has done in the past. [redacted] was confident that [redacted] was abiding by [redacted] in doing so. We informed [redacted] that the [redacted] file was at a particularly sensitive period and that there were issues we could not legally discuss with [redacted]. We further stated that if [redacted] were to ask our advice, we would recommend that [redacted] not/not go to [redacted] for this purpose, at this time. [redacted] listened to this recommendation, confirmed that [redacted] understood and stated [redacted] decision to continue with this visit."

79. On April 17 [redacted], [redacted] sent an email to [redacted] of DFAIT reporting that she [redacted] had informed the Ministry of Foreign Affairs and Protocol that [redacted] visit to [redacted] would be a private one. The [redacted] (in Ottawa) had requested that [redacted] be scheduled to meet with their Ministers of Foreign Affairs, Commerce, Energy and other senior officials during [redacted] upcoming trip to [redacted]. As this was to be a private trip, no meetings were arranged for [redacted]. [redacted] suspected that [redacted] would still visit with the [redacted] Minister of Foreign Affairs and the Energy Minister, as they both knew [redacted] personally.

80. In the same email referred to in the previous paragraph, [redacted] reported to [redacted] of DFAIT that she had discussed the situation with

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[redacted]. During their meeting, [redacted] advised [redacted] that [redacted] understood the situation, that it was a big mess and that she "has no idea how big it is." [redacted] told her [redacted] had discussed [redacted] visit with the [redacted] who saw no conflict of interest issues. [redacted]" [redacted] wrote to [redacted] that she and [redacted] agreed to advise the Government of [redacted] that [redacted] visit was private and [redacted] did not require any assistance from them. [redacted] further advised [redacted] that any meeting with political players would be a problem and she would have to be involved for any meeting with a Minister. [redacted] responded that [redacted] might meet with lower-level officials at their homes but [redacted] strongly cautioned against such meetings. Some excerpts from [redacted] S [redacted] email to [redacted] are set out below:

a. "The situation has been complicated by the fact that the [redacted] in Ottawa has contacted MFA to request that they formally assist [redacted]. This positions the visit, in their eyes, as a formal visit from the Government of Canada. They have contacted us."

b. "I've discussed this at some length today with [redacted] and we agreed that I would advise both the Americas desk at MFA and the Protocol office that this is a private visit and that the [redacted] neither wishes, nor requires, any assistance from them. I stressed to the [redacted] the very volatile nature of the situation, at the moment, and noted that relations of this mission with the government have already been impacted by the concerns. I also stressed that any meeting with political players will be problematic and that for any meeting with a Minister, I would have to be involved, [redacted] suggested that [redacted] might meet with lower-level officials at their homes. [redacted] I reminded [redacted] that this was exactly the scenario when [redacted] was discovered delivering a [redacted] to a Minister's home in the evening and that, regardless of the facts and content of such a meeting, it could be misconstrued."

c. "I have discussed fully with MFA and Protocol and tried to downplay the visit as strictly private in nature. They are somewhat relieved by this as they were unhappy to have not been advised of the visit by our mission, and unclear as

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to how this fit with the work they have done in scheduling [redacted] In fact, the [redacted] had requested that [redacted] be scheduled to meet with the Ministers of Foreign Affairs, Commerce, Energy Advisor and other senior officials, With agreement, with the [redacted] I have indicated to MFA no need for them to pursue this agenda. That said, I suspect that [redacted] may still privately meet with MFA or the Energy Minister as they both know [redacted] personally."

d. "[redacted] understands that the situation is explosive and acknowledged that it was a 'big mess', noting that I have 'no, idea how big it is'. [redacted] seemed to also understand, and be cautioned, by my concerns and advice and the extraordinary sensitivity of any conversation, meeting or event that [redacted] might prompt. I cautioned [redacted] to realize that [redacted] might be confronted by the media at any time and also urged [redacted] to fully appreciate that no conversations can be considered totally private. While [redacted] seemed to understand all of the above [redacted] is determined to convey to the government the 'profound apology' of [redacted], as [redacted] believes this might be helpful. [redacted] mentioned that [redacted] had discussed [redacted] visit with the [redacted]

81. On April 25, [redacted] reported in an email to DFAIT on the [redacted] visit of [redacted] She advised that the visit coincided with the RCMP delivering an [redacted] and [redacted] being in [redacted] "pursuing an unanticipated and parallel program of meetings with government officials and Ministers in [redacted] lobby for Canadian oil and gas company [redacted]" [redacted] stated that [redacted] made it clear to the Principal Secretary to the Prime Minister [redacted], that [redacted] was not representing Canada in [redacted] visit. [redacted] and the Principal Secretary did not discuss the [redacted] situation. [redacted] She expressed her concern that [redacted] unauthorized meetings with [redacted] officials had a negative impact on the official visit of [redacted].

a. "It was a quick visit also notable for the unfortunate coincidence with other difficult events: the second day of the visit was marked by one of the most [redacted] in months that blockaded the entire city centre, the

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[redacted] was in [redacted] at the same time pursuing an unanticipated and parallel program of meetings with government officials and Ministers in [redacted] lobby for Canadian oil and gas company [redacted]."

b. "As a subtext I am aware that [redacted] also met with the [redacted] a few hours before our appointment. I'm afraid this was an [redacted]. GFM made clear that the [redacted] was not representing the government of Canada in his visit and our discussion did not delve into the [redacted] situation."

c. "Unfortunately, [redacted] visit on the same days as GFM may have impacted our itinerary and meetings. Our planned and confirmed meeting with the Foreign Minister was suddenly cancelled."

[redacted] July [redacted] Visit

82. There was no information in the DFAIT Privacy Act Disclosure regarding [redacted] s visit to [redacted] in July [redacted]

83. [redacted] was the Acting Head of Mission at the High Commission in [redacted] a in July [redacted] According to a report prepared by S/SGT PROUSE, following a phone conversation he had with him, [redacted] recalled the issues surrounding the visits of [redacted] and of the concerns it caused to the Mission. [redacted] recalled that [redacted] was advised not to travel to [redacted] due to the political climate and the allegations that [redacted] had offered bribes to government officials but that [redacted] gnored this advice. He advised this was reported on. He added the [redacted] visits were "*politically incorrect*" as [redacted] was "*personally involved with the company*" and they were "*not good for the image of Canada*". S/SGT PROUSE advised him the RCMP had received the DFAIT file on communications between Ottawa and the Mission covering this time period, and had noted there was indeed reporting for the visit in April [redacted] but nothing for the July [redacted] visit. [redacted] stated that if there was no reporting on [redacted] visit it was because the

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Mission was unaware of the visit, and [redacted] did not report to the Mission. [redacted] was adamant that [redacted] visit would be reported on, had they been aware of it.

84. According to a DFAIT report included in the Privacy Act Disclosure, on July 31, [redacted] and its joint-venture partner, [redacted], "signed a draft [redacted] valued at $1.75 per unit. The [redacted] is expected to become final following ratification by the [redacted] later this year." The report commented that "If finalized, this would mark an end to a longstanding price dispute between [redacted]". Later in the document it was noted that, "the tentatively agreed to price of $1.75 per unit price is significantly below [redacted]s initial demand for $2.75 per unit."

[redacted] – ***Change in Government***

85. On [redacted], [redacted] a general election was held in [redacted]h. According to news reports, [redacted] and her [redacted] defeated [redacted] and the [redacted] in a landslide victory. The [redacted] has taken control of the country from the military [redacted].

86. On January 19, 2009, Staff Sergeant PROUSE interviewed [redacted] in [redacted]. I am informed by my review of the audio recording and a summary prepared by Staff Sergeant PROUSE of the following information:

a. As of January 2009, [redacted] was Canada's Ambassador to [redacted], but from [redacted] of [redacted]3 she served as Canada's High Commissioner to [redacted]n. During her absence from the Mission in [redacted], [redacted] head of The Canadian International Development Agency (CIDA), acted on her behalf. On his departure in the summer of [redacted] [redacted] took over that role.

b. During her time [redacted] was the Trade Officer. [redacted] had left the position six months prior to her arrival. The term

Trade Officer, or Trade Commissioner refer to the same position at the Mission in [redacted]. The position of the Trade Officer is to assist in Canadian investment in the country in a proactive and reactive manner. The Canadian Mission offers support to Canadian business in facilitating meetings, translation, introducing contacts, and provides a list of services including ensuring Canadian companies knew the risks. The Mission role in [redacted] was very different to that of other locations (i.e. Europe) as there is very little legislation controlling business [redacted]".

c. The Trade Officer's objective is to increase Canadian investment in the host country. Canadian investment in [redacted] increased by 100-150% during her tenure [redacted] was the b[redacted] Canadian investor in [redacted] during that time. Other big Canadian investors were Nortel, and companies involved in '[redacted]

d. Proactive assistance would involve the Mission going to the company offering assistance. Reactive assistance to a Canadian corporation would be responding to specific requests of the company. She is not aware of the reason why DFAIT would make the decision to offer only reactive assistance to [redacted]. She suspected that the decision reflected DFAIT's concerns regarding the company.

e. Joint Venture Agreements with government agencies in [redacted] are a normal business practice, but she is not aware of [redacted] being involved with any other Joint Venture Agreements.

f. [redacted]

g. The "relationship with our Mission while I was there was almost entirely based on a dispute that they [redacted] had with the government for not being paid" for natural gas that [redacted]s wells had supplied. [redacted]s meetings at the Mission were only with her or [redacted]. Any meetings she had with [redacted] representatives involved briefings on the company's problems in getting paid. Her role was to facilitate - to ensure the company was paid "for gas they had already supplied to the grid" - through face to face meetings or letters to [redacted] officials.

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h. [redacted] stated that when she met with the [redacted] government officials regarding [redacted], she did not go with [redacted] company officials. She stated she did not bring [redacted] representatives to these meetings because "our role is not to lobby for a particular Canadian company, but to lobby for Canadian companies."

i. The lines of government responsibility are "often blurred". "In the case of [redacted], and in the case of energy, it was particularly blurred because all of that would have gone through the Prime Minister's Office as well, [redacted]

j. "In terms of the direct line for [redacted], they would of course be dealing with [redacted], their partner, they would be dealing with, through the Ministry, Energy Ministry, which would be... permanent secretary, assistant permanent secretary, and so on, and up to the Minister,... the [redacted] at one point met with the Minister at least once." "In the mix was [redacted], who is the Foreign Minister. To the best of my knowledge, they never met with the Foreign Minister." On this issue, she met with the Ministers of Commerce and Energy. During the caretaker government era, she discussed the [redacted] case directly with the [redacted] Government, the "de facto Prime Minister".

k. There was a "surprising naivety" on the part of [redacted] in dealing in this type of environment in which they were operating, [redacted] She found this surprising in light of their past experience [redacted], [redacted] providing gas to [redacted] without a sales agreement in place was just the foremost example of this naivety, "I mean, who would ever do that, in any environment?"

l. [redacted] met [redacted] at social functions on one or two occasions. One occasion was at the residence of [redacted], a local businessman in [redacted]a, he "later became their agent" who she believed was a contact for [redacted] in their negotiations with the government of [redacted] in the last year at her posting. He ran the [redacted] media outlet.

m. The Mission would not know of any agents being used locally by [redacted]. As a practice the Mission stays away from facilitators and agents. She is aware [redacted] were agents for [redacted].

n. [redacted] believed [redacted] came to her office each time he was in [redacted]. She knows [redacted] officials visited directly with government

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officials in [redacted] and she was not made aware of all of those visits.

o. The reference in the email to the high level delegation from Canada visiting in December of [redacted] referred to a visit by [redacted] representatives, including [redacted]. It did not refer to a political visit.

p. [redacted] met with [redacted] at various times [redacted] stated the provision of the [redacted] to the Energy Minister was part of the contract obligations and classified it as a misunderstanding. They acknowledged they had given away a [redacted] but not as a bribe, contrary to press reports. During meetings with [redacted] he repeated the delivery of the [redacted] was a misunderstanding and strongly maintained their integrity and intent.

q. Although it happened prior to her arrival, in [redacted] opinion, the Minister of Energy resigning over the press reporting of the delivery of the [redacted] was unusual, "it was quite a scandal".

r. After a meeting with [redacted] observed that his vehicle had diplomatic license plates on it. She advised that these types of plates are issued to diplomats and missions by foreign affairs of the host country and to her knowledge [redacted] and its employees would not meet the criteria for such plates.

s. [redacted] was aware of only one visit by [redacted] to [redacted] while she was the Head of Mission. "I was not happy at the fact that [redacted] was in the country without contacting me... and that [redacted] had actually met with the Minister of Foreign Affairs, at his home, at night, without me, and without me being aware of that meeting... I was very unhappy, because in [redacted], a visitor from the [redacted] ...The perception would be that [redacted] would speak for the Government of Canada, clearly. And I spoke for the government of Canada in [redacted], so I was not happy about that."

t. "Normally we host [redacted] visiting our countries. We're responsible for their program. In this case [redacted] was lobbying for [redacted]. And I called [redacted] at [redacted] hotel and expressed my unhappiness." She met [redacted] at the hotel, and they talked. [redacted] shared with her the reason for [redacted] visit and that he had met with [redacted] told her [redacted] had confirmed with the [redacted] visit was within norms and proper.

u. She was concerned that there was not a witness from the Canadian government to confirm what was said at the meeting with the Foreign Minister.

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She told the [redacted] that she should be in attendance at any meetings with government Ministers. The [redacted] told her [redacted] was not in [redacted] representing Canada, but only to represent [redacted]. In her experience it is not a usual practice for a Canadian official to visit a foreign government on behalf of a company.

v. [redacted] said she told [redacted] "there needed to be a clear and direct appreciation in line of who speaks for the government of Canada, and in [redacted] doesn't". The [redacted] did not tell her of any urgency to [redacted] visit. She stated, "it was all related to efforts to get the Joint Purchase Sales Agreements signed and to give [redacted] money because [redacted] continued to um ... you know assess how much longer they could stay in the country without getting paid...I suspect from the perspective of the company if they were having discussions with [redacted] they would of have been saying you know, we got to get this resolved, this is going on too long, that we're millions and millions of dollars in the hole here, so ... we need something done and my impression was that [redacted] was known to the players, and respected, and had influence.".

w. [redacted]

x. The visit of [redacted] at the same time was an official visit and the coinciding visits made for an awkward situation. "The perception was that he [redacted] was representing the government of Canada on the political side. [redacted] was representing the government of Canada on the political side." The perception of the [redacted] government was that the visit of the [redacted] in April [redacted] was an official one when it was not. The normal assumption of any government would be that "if a senior [redacted] from Canada visits, that [redacted] represents the government".

y. She does not know why the Foreign Minister cancelled [redacted] visit with [redacted] She suspected that it may be due to the previous visit [redacted] or due to the violence occurring in the country at the time. She had expected and hoped that [redacted] would meet with the Foreign Minister, as [redacted] "was the highest level, highest ranking Canadian government representative that had been in [redacted] in quite a while and I wanted him to meet with the Foreign Minister to pass political messages."

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z. She does not believe the actions of [redacted] interfered with the goals of Assistant Deputy Minister [redacted]. She does not know if there is any relationship between [redacted] and [redacted].

Interview [redacted]

87. On January 26, 2009, Inspector Frank SMART of the Calgary Commercial Crime Section conducted an interview with [redacted] in [redacted]. I am informed by my review of Inspector SMART's summary of that interview and the audio recording of the following information:

a. As of January 2009, [redacted] was Canada's Ambassador to [redacted]. Between August [redacted] and September [redacted] was Canada's Head of Mission in [redacted]h. As Head of Mission, he was in charge of the High Commission, and was responsible for overseeing trade and political relations between Canada and the host country of [redacted]. During his tenure, when [redacted] was absent, [redacted] would be delegated his responsibilities.

b. [redacted]

c. The Mission policy was to inform all Canadian companies to perform ethically. [redacted]

d. As Head of Mission, [redacted] has made representations on behalf of

Canadian companies many times at all of his postings. It is not unusual for the Canadian Mission to intervene on behalf of Canadian companies. The Mission would assist in identifying who would be the decision maker in this case and provide knowledge in terms of the issues involved, perhaps introducing a member of the company "to relevant government players" who had authority in the award of such contract .

e. In [redacted]'s case, [redacted] met with the Prime Minister's Office advisor, [redacted] at least twice, [redacted] was viewed to be credible and have integrity. [redacted] believes that [redacted] met with the Prime Minister's Office without him present.

f. In [redacted]'s case the Mission tried to "assist them in obtaining agreed upon price for the gas they were being produced. What had happened is that they had started producing gas without agreeing with the government on the price that the government would pay for that gas. And we were actively trying to have that agreement on price finalized with the government because it was a matter of great uncertainty for them and they need capital flows and so on."

g. In his experience, it is not normal business practice for a company to provide a product without an agreed upon price, as is the case between [redacted] and [redacted], [redacted]". [redacted] believed that the goodwill they showed would engender them with [redacted] in the long run [redacted] had "trust in the government to negotiate a fair price."

h. [redacted] stated that there was only one [redacted] who attended [redacted] during his tenure. Two weeks after his arrival as Head of Mission, either the end of August [redacted] or the start of September [redacted], [redacted] arrived to "advocate on behalf of" [redacted]. [redacted] had won rights to a gas field in the country and were in the process of negotiating a price for the gas they were producing. When [redacted] came, [redacted] accompanied him to meetings with the Minister of Finance, [redacted]. There was a lunch meeting hosted by the foreign minister. There may have been one or two other meetings with senior officials. [redacted] believes [redacted] attended after he left for his next mission as well.

i. The intent of the meetings between [redacted] and [redacted] government officials was to "explain and impress upon the government representatives and ministers, [redacted]'s quality as a company, their ability to win the contract" and to establish that "they could provide a quality service" at a reasonable price that the government was interested in obtaining. The meetings were used as opportunities to advocate on behalf of [redacted] bid for

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the work.

j. During his meeting between [redacted] and [redacted], the Finance Minister, [redacted] observed that [redacted] was not very helpful or sympathetic to [redacted]s bid. By contrast, during another lunch meeting with the Foreign Minister, the Minister was more reassuring and expressed the view that he was hopeful [redacted] would succeed in its efforts to secure a price on gas.

k. [redacted] believed [redacted] "had worked with [redacted] before", and that [redacted] had advised the Canadian Department of Foreign Affairs that [redacted] intended on traveling to [redacted] to assist [redacted] in their efforts and would appreciate the High Commission's support which included setting up meetings and accompanying [redacted] to those meetings in August or September [redacted]

l. [redacted] is not certain of [redacted] relationship with [redacted]. He does know that [redacted] was familiar with the company and presumed that he was familiar with the people who ran [redacted] and [redacted]s senior officers.

m. [redacted] has a relationship with [redacted] previously as he had played a key role in the past in obtaining [redacted] for [redacted] clothing coming into Canada. He had a background in working with [redacted] officials [redacted] did not recal [redacted] ever mentioning that he was under contract with [redacted]

n. On June 15, [redacted] he sent a email to DFAIT reporting his meeting with [redacted] which was a result of a media report in "[redacted]" which included a picture of an [redacted] allegedly in the [redacted]y of the then Minister of Energy fo [redacted]. Allegedly, the [redacted] had been given to the Minister as an award in consideration for favorable consideration from the company [redacted] and was inappropriate. He set up a meeting with [redacted], who was the head of the [redacted] office in [redacted]. [redacted] came to [redacted]'s office for a meeting and [redacted] asked for an explanation of the [redacted] situation. At first, [redacted] was "quite dismissive", and said "these things are done all the time" and they "give these sorts of things in these situations". [redacted] stated that this put Canada and [redacted] into a difficult position, undermining the credibility of not only the company but the government and embassy. He told [redacted] that Canadian companies "do not bribe or use those kinds of tactics to obtain contracts" and their decisions had to be made on the merits. He also told [redacted] that he may have broken Canadian law which is probably also reflected in international agreements such as the anti corruption convention. Although initially dismissive [redacted] concerns, afterwards, [redacted]

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[redacted] did "concede that they made a mistake in making the gift to the Minister" and for their public justification in defending their actions and expressed regret.

o. He has not come across this type of behavior by a Canadian corporation previously in any of his postings.

p. [redacted] struck him as playing the role of agent. [redacted]s "are hired because they understand the system, how things get done, who to speak to". [redacted] struck him as [redacted]'s "lead guy" in how to get things done in that business environment. When he called [redacted] to his office to discuss the vehicle with him, it was his impression that he was a [redacted] employee; he was not just an agent.

q. [redacted]

r. He is not aware of any instances of private Canadian companies obtaining or utilizing Diplomatic plates.

[redacted]

88. I am informed by Cpl. SCHOEPP that on February 17, 2009, he attended the [redacted]o. Cpl. SCHOEPP accessed the "[redacted] [redacted] which according to the website of the [redacted] contains publicly available "information concerning the various interests [redacted]s hold for transparency purposes". According to the website, amongst the information provided in the registry are any "official positions" held by a [redacted] in a corporation, and any [redacted]'. I am informed by Cpl. SCHOEPP he was advised by the [redacted] staff that the disclosures date back to May [redacted] when the legislation for disclosure was enacted.

89. I am informed by Cpl. SCHOEPP that [redacted] did not list any "official

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positions" in [redacted]., nor did [redacted] disclose any sponsored trips to [redacted]. According to my review of the information on the website, the [redacted] would not be obligated to disclose any shares he owned in [redacted] unless the [redacted] deemed such assets "relevant" to the parliamentary duties and functions of [redacted]

90. I am informed by Cpl. SCHOEPP tha[redacted] disclosure consisted of the following information:

a. [redacted] had held a position on the Board of Directors of the [redacted]

b. [redacted]

c. [redacted]

91. I am informed by Cpl. SCHOEPP that [redacted] disclosure consisted of the following information regarding [redacted]:

a[redacted]

[redacted]

[redacted]

[redacted] that

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e. From [redacted] traveled to the [redacted] for [redacted]

[redacted]

[redacted]

[redacted]

i. [redacted]

92. I note that [redacted] declared [redacted] travel for the period July [redacted] to May [redacted] did not declare any of [redacted] -sponsored trips to [redacted]

[redacted] ***Interview***

93. On March 12, 2009, Cpl. SCHOEPP interviewed [redacted], the former [redacted] I am informed by my review of the recording and transcript of that interview of the following information:

a. [redacted] carried out the accounting functions for [redacted] from [redacted].

b. [redacted]. was the public company which owned 100% of [redacted]

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[redacted], which was a holding company. The holding company in turn owned 100% of [redacted].

c. [redacted] had a lending facility in the United States with the International Finance Corporation (IFC). [redacted] advised that the IFC is a "quasi government" lender and is "really designed to go where no bank will go".

d. [redacted] was funded by a "combination of loans and share issuances to [redacted] who would get funded by [redacted]". The company was registered in Barbados for tax purposes.

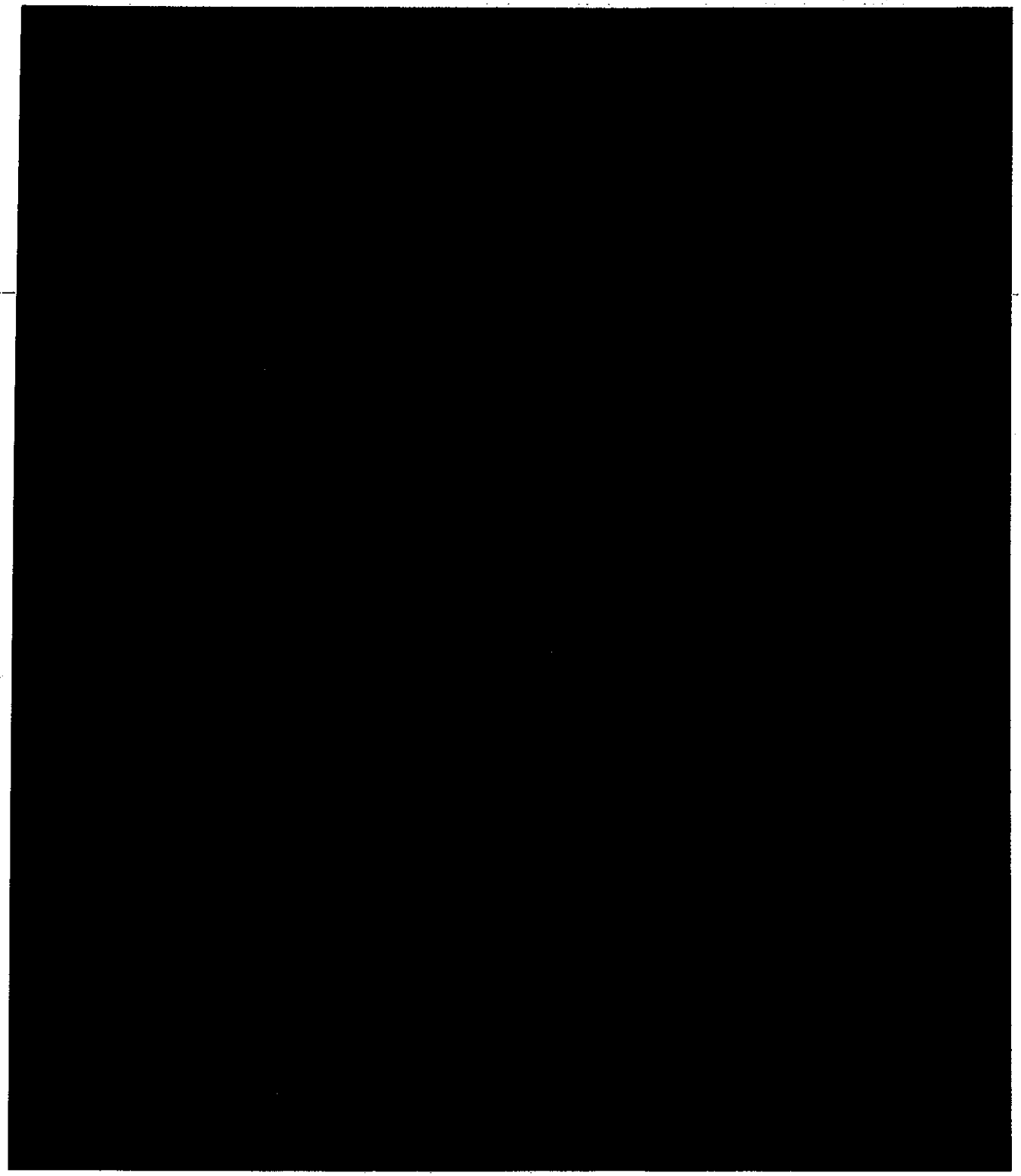
e. [redacted], sent money to the Barbados accounts as the Barbados accounts would "always be the one paying the bills to do with the, the [redacted] operations". Direct transfers from Canada to [redacted] would be for "some unusual transaction". During his time with [redacted], the money flow was in one direction, and no money came back from [redacted]

f. [redacted] knew [redacted] when [redacted] worked for [redacted] in [redacted] and it made sense to hire [redacted], who was [redacted] when [redacted] was moving into [redacted]

g. [redacted] had no input on the payments to [redacted], he was just told the amount [redacted] "would basically have negotiated a deal with [redacted]".

[redacted]

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[redacted]

96. On March 20, 2009, I conducted queries on the IATA website for the numeric code (60935254) of the agency involved in the booking of [redacted] ticket on April 14, 2006. The IATA website confirmed that the number was valid and belonged to an agency called Calgary World Travel Group Inc., located in Canada. I conducted further queries on the search engine "Google" for the [redacted] Inc. and located a travel agency by that name with an address of [redacted] Calgary, Alberta.

[redacted] - ***Equifax***

97. According to the information on the website www.equifax.ca, Equifax is a credit reporting agency, which stores and maintains "credit information about individual Canadian consumers for use by members of the credit reporting agency. Members include banks, finance companies, auto leasing companies, credit card companies and retailers."

98. According to the information on the Equifax database that as of November 12, 2008, [redacted] held a CIBC credit card, with a credit limit of $30,000. The card number was not listed.

NEPS Results

99. On March 20, 2009, I reviewed the results of queries made by Sgt. KRIWOKON through the National Economic Profile System (NEPS) regarding [redacted]. The following is a summary of that information:

a. The System for Electronic Disclosure by Insiders (SEDI) is a database which facilitates the filing and public dissemination of insider reports. The SEDI

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database showed that [redacted] is listed as a Director of the [redacted] became a director on November 28, 2008.

b. The Financial Post Infomart (FPInfomart.ca) is an electronic resource of Canadian news and business information. The FPInfomart.ca database listed a Canadian Federal Corporation named [redacted] with a [redacted] and a registered office address of [redacted] The incorporation date was July 5, 1982. The corporation's old name was [redacted].

c. The Province of Ontario's Land Title database Teranet showed an address of [redacted]. The form noted "I am at least 18 years of age. I am not a spouse". The Chargee is listed as the Royal Bank of Canada, 180 Wellington Street W, Toronto, 2nd Floor, Ontario. The principal on the mortgage is $40,000 at prime plus 3% interest. The [redacted]. There is another mortgage from RBC on the same property for $270,000 at prime plus 0%. The remaining information was the same.

d. The Land Registrar database showed a land transfer for [redacted] as listed as having power of attorney. [redacted] acted as the solicitor for the transaction. The date was January 15, 2009. [redacted] listed an address of 2nd floor, [redacted]

[redacted] – ***EQUIFAX Report***

100. I am informed by an Equifax report generated by Sgt. KRIWOKON on March 24, 2009, that as of February 2009, [redacted], referred to in the Equifax report as [redacted], held the following active products for the period between July 1, 2004 and October 1, 2006:

a. A CIBC Credit Card (card number not listed) that was opened in September

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2002, and was last accessed in February 2009.

b. A Home Depot Card ("HOME DEP", with a 1-800 number that is answered by Home Depot Credit Services) opened in January 2004, and was last accessed in January 2008.

c. An HBC card opened in December 2005 and was last accessed in February 2006.

d. An American Express card opened in December 1981 and was last accessed in February 2009.

e. An American Express card opened in January 2003 and was accessed in February 2009.

f. A Chase Sears card opened August 2002 and was last accessed in March 2009.

g. An HBC card opened in December 2001 and was last accessed in February 2006.

h. A Scotialine Personal Line of Credit opened in August 1982. This product was flagged for overdue payments in October 2005 and was last accessed in February 2009.

i. A Bank of Nova Scotia VISA opened in April 2006 and was last accessed in February 2009.

j. A Bank of Montreal MasterCard opened in January 2000 and was last accessed in February 2009.

k. A TD - Canada Trust Visa opened in October 2005 and was last accessed in January 2009.

l. A CITI Mastercard (noted as "former VISA") opened in July 2000. This account is closed "at consumer's request", and was last accessed in November 2004.

m. A Bank of Montreal line of credit for $100,000 opened in November 2004 and was last accessed in February 2009.

n. A Royal Bank VISA opened in February 2003, and "Closed at consumer's request", and was last accessed in December 2004.

o. A Chase Sears product, opened in May 2005 and was last accessed in July 2005.

p. A Royal Bank product, opened in June 2006 and was last accessed in October 2007.

q. A TD-Canada Trust VISA opened in October 1994, and was last accessed in June 2006.

r. A CIBC product (type not specified) opened in June 1999, and was last accessed in June 2006.

s. An American Express product opened in November 1981, and was last accessed in December 2006.

t. A Scotia Bank product "TR 56416" opened in March 2004 and was last accessed in July 2006.

u. A CIBC card account opened in December 2000, and was last accessed in June 2006.

v. An HSBC Retail Services product opened in July 2005, and was last accessed in May 2006.

w. A CIBC card account opened in November 1998, and was last accessed in November 2004.

x. A President's Choice Mastercard opened in March 2003, and was last accessed in November 2004.

y. An MBNA Canada Bank product opened in September 1998, and was last accessed in November 2004.

z. A Capitol One Bank product "closed at consumer's request", opened in June 2000, and was last accessed in November 2004.

101. The Equifax Report also noted as of March 2009, [redacted] had used 81% (over $560,000) of his available credit.

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[redacted]

[redacted]

[redacted]

107. [redacted]

Roya [redacted]

108. [redacted]

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[redacted]

Bank of Nova Scotia Response

109. On October 9, 2009, Al GOODMAN of the Bank of Nova Scotia provided me with a letter containing information in response to the above mentioned Production Order. According to the Bank of Nova Scotia records, [redacted] That information showed that [redacted] held the following Bank of Nova Scotia products:

a. A line of credit account, number [redacted], opened August 1, 1982. The account was active as of October 7, 2009.

b. A Scotia Chequing Account, number [redacted], opened May 11, 1979. The account was active as of October 7, 2009.

c. A Scotiabank Value VISA, account [redacted] account was opened June 1, 1997.

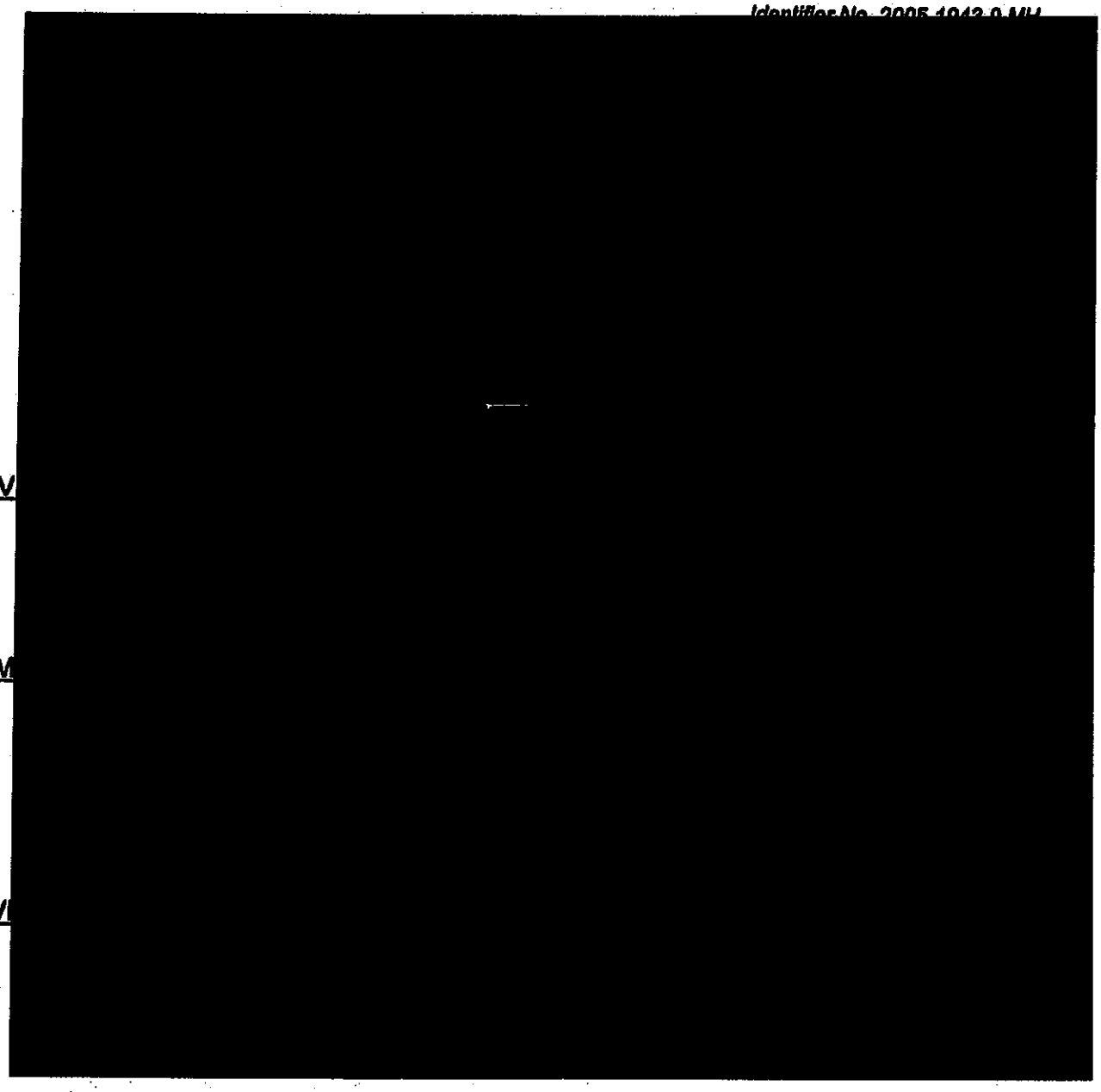
110. On November 10, 2009, Al GOODMAN sent me an email containing additional information in response to the Production Order. According to that email, [redacted] held the following investment accounts at ScotiaMcLeod Direct Investing, a division of Scotia Capital Inc:

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a. Account number [redacted]0, opened March 18, 1996. The account was active as of November 10, 2009.

b. A Registered Retirement Savings Plan Account number [redacted], opened March 18, 1996 and closed in August 2004. The previous address listed on that account was [redacted].

[redacted]



Documents or Data Sought - BNS

113. On December 15, 2009, Al GOODMAN of the Bank of Nova Scotia informed me that the Bank of Nova Scotia could provide the following "documents or data sought" within 60 days of service of a Production Order:

Line of Credit Account [redacted]

a. Certified copies of the Credit Application.

b. Certified copies of all monthly statements and/or account transaction history from August 1, 2004 until October 7, 2009.

c. Certified copies of the mortgage file.

Scotiabank Value VISA Account [redacted]

d. Certified copies of the application forms, names and contact information of any cardholders or authorized users, and monthly Statements from August 1, 2004 until October 7, 2009 for credit card number [redacted]

Scotia Chequing Account, number [redacted]

e. Certified copies of monthly statements and/or account transaction history from August 1, 2004 until October 7, 2009.

f. Certified copies of signature cards, account opening agreement, account authorizations, and related identification including a list of all persons that have or had authority to access the account, and all supporting documentation from August 1, 2004 until October 7, 2009.

g. Certified copies of all withdrawal/debit transactions and deposit/credit transactions from August 1, 2004 until October 7, 2009 inclusive, including a copy of the front and back of the transaction documents and the corresponding offset entries related to these transactions, if available, including but not limited to: wire transfer documentation, cheques, bank drafts, money orders, and certified cheques

[redacted]

[redacted]

VD

[redacted]

Interview – [redacted]

115. On December 11, 2009, Cst. BATYCKI and I conducted an interview of [redacted]

During that statement a number of topics were covered. I have reviewed the audio recording of that statement and prepared the following summary of the information that pertains to [redacted]:

a. [redacted]. was being assisted by a [redacted] whose first name was [redacted]". [redacted] could not remember the [redacted] last name. He did not know how the relationship was initiated, just that the [redacted] "was on the scene all of a sudden and was going to help us with our activities in [redacted]".

b. [redacted] stated, "I can't recall on what particular issue he was trying to help [redacted], if it was getting paid or to set the price for the gas, if it was for getting us relief to go back in and start operating in [redacted], because if I recall [redacted] was, you know, the government was saying they wouldn't allow them to go in and operate until all of these other issues were resolved... he was working more directly with the operating people than me."

c. "I believe there was some kind of arrangement where, which I thought was, a like a success fee based arrangement where he would receive all his

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expenses covered as [redacted] managed the process and then [redacted] would receive some kind of success fee... I thought it was cash." [redacted] did not know the amount of the success fee or if it was paid during his tenure.

Conclusions

116. Based on the investigation described in this Information to Obtain a Production Order, I reasonably believe that [redacted], on or between August 1, 2004 and October 1, 2006, being an official of the Government of Canada, did commit a breach of trust in connection with the duties of [redacted] office, by using [redacted] position as a [redacted] to lobby [redacted] officials on behalf of a private company, [redacted] contrary to the public interest, contrary to Section 122 of the *Criminal Code*. Based on my review of the evidence gathered in the investigation to date, I believe [redacted] improperly used [redacted] position as a [redacted] to represent the interests of a private corporation, contrary to the *bona fide* interests of the Canadian public. [redacted] lobbying efforts on behalf of a corporation which allegedly used bribes to secure advantages in its business prejudiced Canada's interests for the benefit of a corporation engaged in unlawful behavior. Additionally, [redacted] use of a Special Passport for a private trip was a misuse of a public document issued to [redacted] solely for official travel.

117. Based on the information gathered in this investigation, [redacted] has a demonstrated history of paying commissions to persons who have lobbied [redacted] officials on the corporation's behalf. The statement by the Chief Financial Officer of [redacted], that he believed a cash success fee was to be paid to the [redacted] lends additional weight to this belief. The investigation to date has not revealed any other motives for [redacted] persistent interventions on behalf of [redacted] even in the face of advice from the High Commission to cease [redacted] efforts. It is known, though, that [redacted] travel to [redacted] was sponsored by [redacted]

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and that [redacted] did not disclose this [redacted] as required by [redacted] office. The "documents or data sought" are expected to afford evidence of the alleged offence by revealing any financial benefits obtained by [redacted] as a result of [redacted] lobbying efforts on behalf [redacted]'s shares owned by [redacted]

118. Based on the investigation described in this Information to Obtain a Production Order, I have reasonable grounds to believe that the "documents or data sought", described hereafter, will afford evidence of the said offence.

Request for a Production Order- BNS

119. I am requesting that a Production Order be granted requiring Al GOODMAN of the Bank of Nova Scotia, to produce the documents or data sought at 240 - 8th Avenue SW, Calgary, Alberta within sixty (60) days of the service of the Production Order. The documents or data sought are described as:

Line of Credit Account [redacted]

a. Certified copies of the Credit Application.

b. Certified copies of all monthly statements and/or account transaction history from August 1, 2004 until October 7, 2009.

c. Certified copies of the mortgage file.

Scotiabank Value VISA Account [redacted]

d. Certified copies of the application forms, names and contact information of any cardholders or authorized users, and monthly Statements from August 1, 2004 until October 7, 2009 for credit card number [redacted]

Scotia Chequing Account, number [redacted]

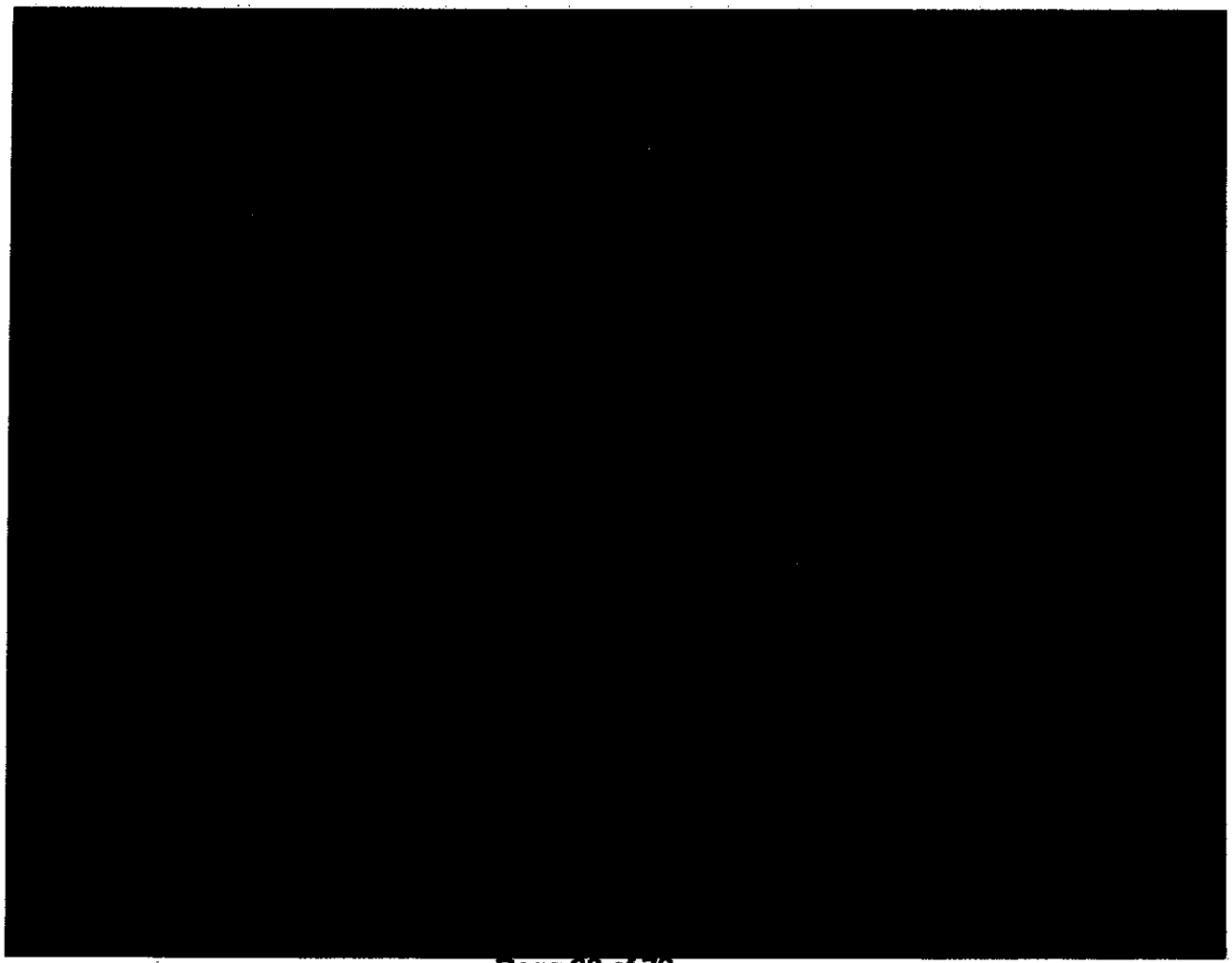
e. Certified copies of monthly statements and/or account transaction history from

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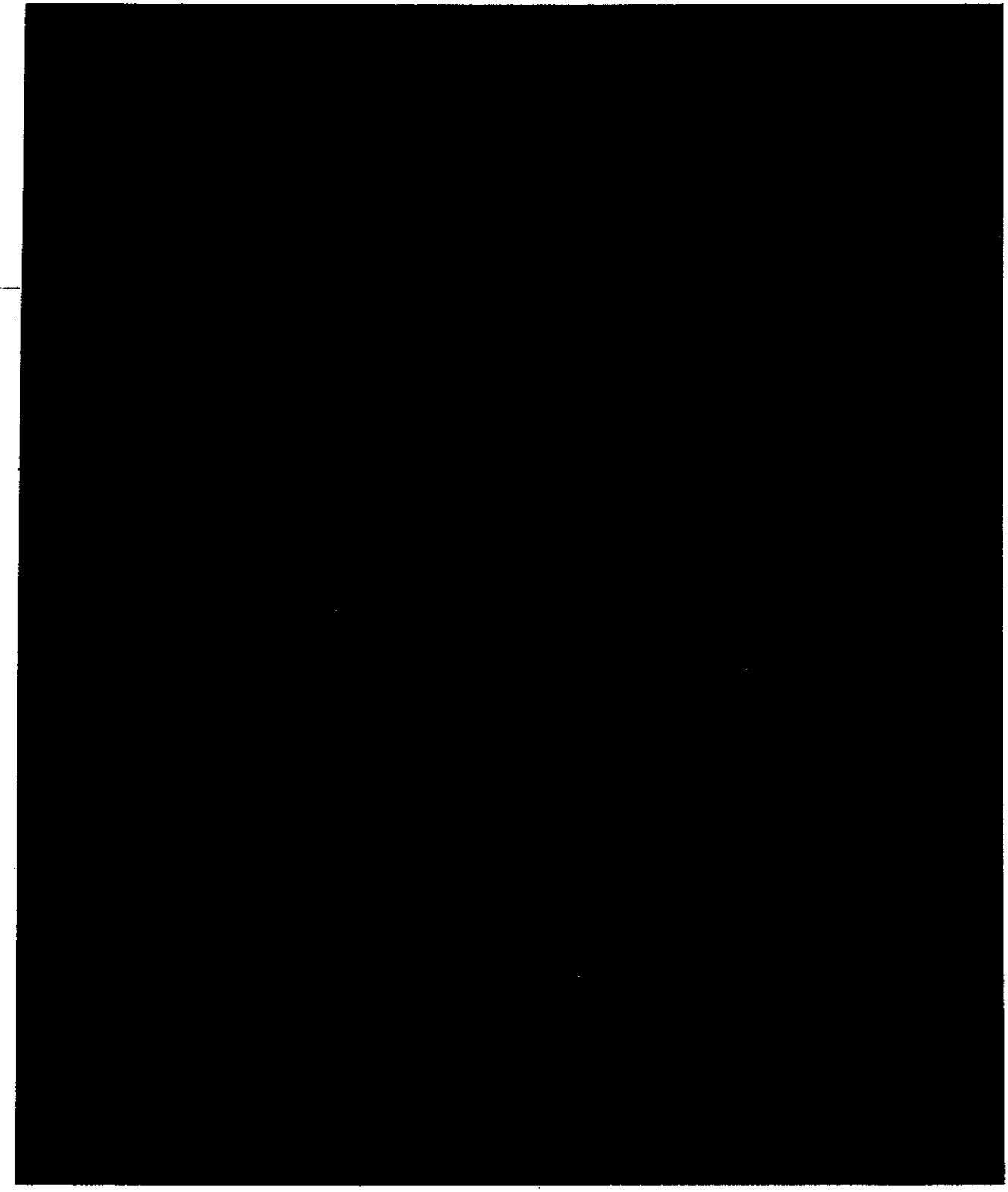
August 1, 2004 until October 7, 2009.

f. Certified copies of signature cards, account opening agreement, account authorizations, and related identification including a list of all persons that have or had authority to access the account, and all supporting documentation from August 1, 2004 until October 7, 2009.

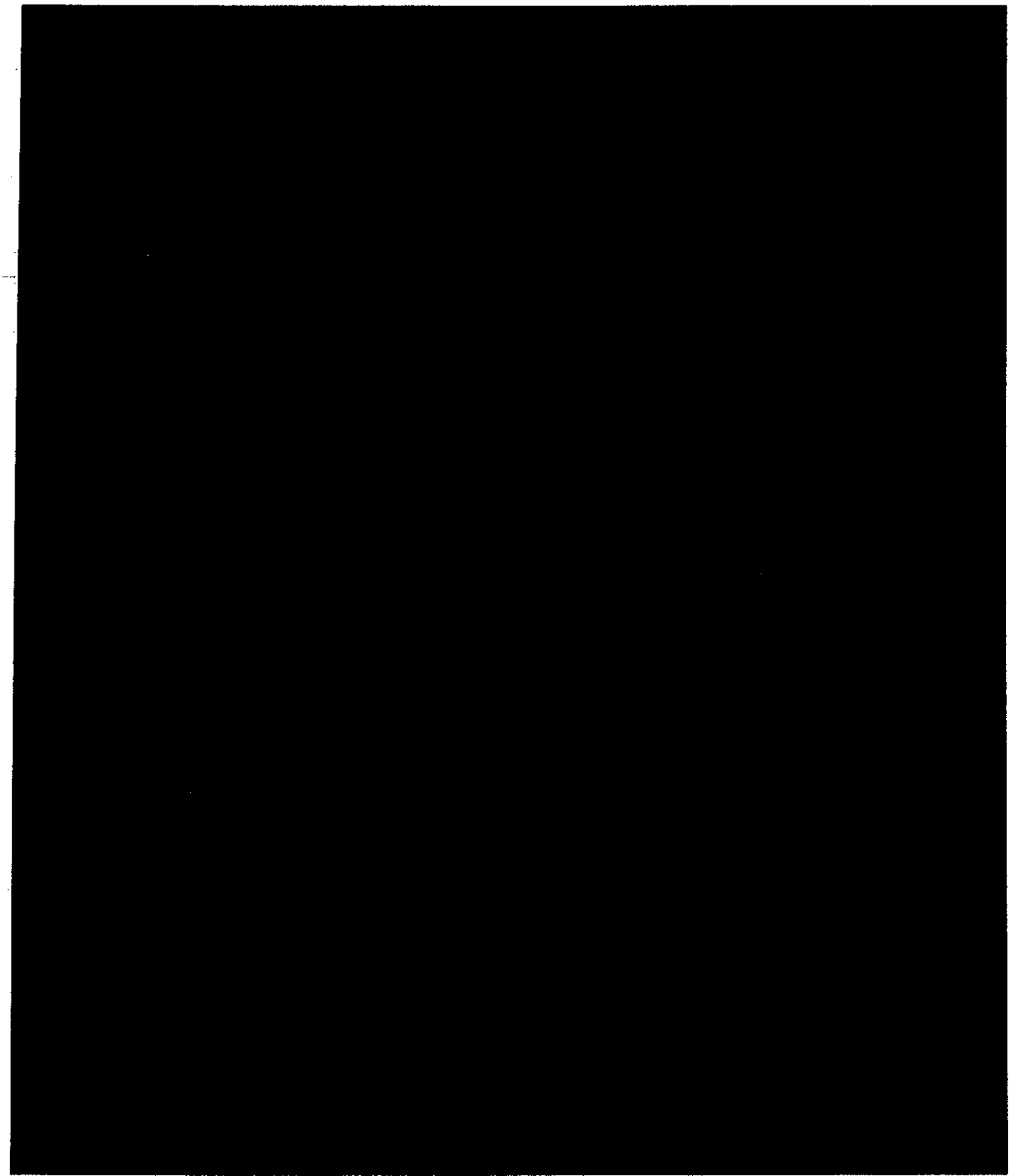
g. Certified copies of all withdrawal/debit transactions and deposit/credit transactions from August 1, 2004 until October 7, 2009 inclusive, including a copy of the front and back of the transaction documents and the corresponding offset entries related to these transactions, if available, including but not limited to: wire transfer documentation, cheques, bank drafts, money orders, and certified cheques.



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[redacted]

122. I am requesting that the above proposed Production Order be valid for sixty-seven (67) days from the date it is granted to allow time for service of the proposed Order.

SWORN BEFORE ME
this 21 Day of [redacted] 2009
at Calgary, Alberta

Judge in and for the Provincial Court of Alberta

Corporal Kevin Paul DUGGAN